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THE MORALS OF THE MOVIE

BY
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STATE BOARD OF CENSORS.



THE PENN PUBLISHING
COMPANY PHILADELPHIA
1922

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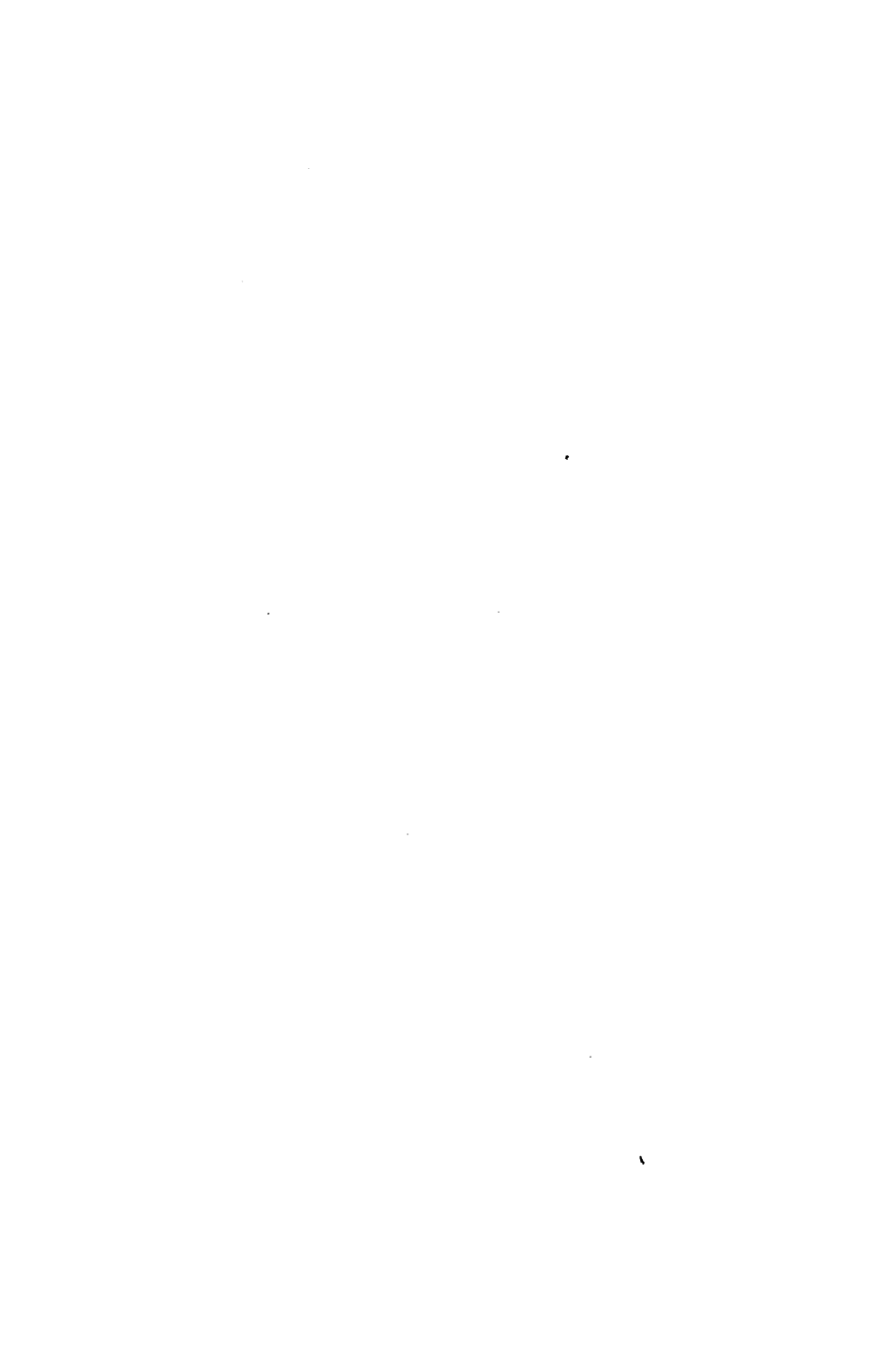


The Morals of the Movie

Made in the U. S. A.

To
KATHERINE A. NIVER
my comrade in arms in the
thin red line

Wawa 30 Oct. 1922



Preface

IN the first instance I shall wish to let it be understood that this is not a discussion of the motion picture in a large general way for itself and as such. I have the deepest admiration for what it has achieved in the entertainment and instruction of man and profoundly believe in its future. Its possibilities enchant the imagination and every reasonable guess will be disappointed if it shall not go forward with a steady pace into virgin fields, winning new victories and making wider conquests.

I have lately had my attention drawn to a criticism of the picture; it is described as "the world's greatest failure." Instead, I should reckon it among the world's greatest, and, I believe, principal successes. It is not in such a spirit that I address myself to the subject. What I shall set down in the ensuing pages is a record of unusual experiences, covering six years of my life, in building up and operating—not without most valuable assistance—a bureau, more or less well known by this time, for the regulation and control of the issue and circulation of motion-picture film in a large American commonwealth. It would be a pleasure to bear testimony to the good and worthy things which have been done by those who have been identified with the development of this marvelous activity.

That which is commendable is obvious; it has been much remarked upon. My purpose in this place is rather to point out the wrong in film; describe with a plainness which, I hope, will not do offense, its character, that the magnitude of the evil may be appreciated; direct my readers' minds to the remedy which has been applied in other countries, and in some degree in this country; and gird the loins of those of failing courage, if there be such, for going on with the contest with this abomination, until we shall see no more of it in the land, or for export to falsify our civilization and to advertise our low moral standards to the outside world.

I am no friend of the censor as such, or, for the matter of that, to any name or political order which suggests governmental control. Indeed, I am an individualist who would dwell in the Arcadian state of Herbert Spencer, wherein men interact, one upon another, in complete freedom. But here are exceptional needs to cover the exceptional case, so I believe after daily living with the subject. I came to the problem without predilections. One day I was called upon the long-distance telephone by a friend lately inducted into the governorship of my state. He wished to ask me if I would take a place upon the board which had control of the motion picture. Would I represent him in a social welfare work in which he had a deep personal interest? I was at the moment in a library quietly enough engaged in writing my "History of the United States Since the Civil War." I knew little indeed about the motion picture. I had been a dramatic critic some years ago; I had organized and directed two

large historical pageants. I had only a dim knowledge of what lay in the dramatic shadowland to which he invited me. But I said that his tender of the office pleased me, and I was soon in my place.

As these introductory allusions may indicate, I am in most respects, I suppose, an ordinary American citizen. I was tolerably well educated at American and European colleges. I have read some and written a good deal on various subjects. I am not conscious of holding moral opinions which are very different from those of men of my class. My religion is found in the broad field of history and philosophy. I have been a little amused, therefore, as have friends with whom I have shared my confidences, to be denominated from time to time by the picture man—I call him this because the “industry” is a composite photograph of many persons reduced to one figure in my mind—a “great Torquemada,” a “Catonian sage,” a “grand Inquisitor” and like names meant, I must infer, to be uncomplimentary. I have been described as an old man who never put his foot outside of his native town. My beverages, I learn from the film newspapers, are lemonade and tea. My pursuit in hours not given to official duty is knitting. I am a disciple of Anthony Comstock, a Puritan, a prude, a fanatic, a moralist, a bigot. Ladies may not smoke cigarettes in my presence; no kiss may be longer than five feet.

Others who know me better have admitted that I am a writer. I have followed the theatre, indeed, but I am out of sympathy with the “drama of the people.” I, and my kind, do not like the picture anyhow. We do

not enter the picture house except to scoff and cavil, nor do we wish our children to do so. We are too far above an understanding of the feelings and tastes of those for whom film is made to be at all able fairly to judge of their needs. We are ambitious to make rules for others who find the picture hall good enough as it is. As for censors generally they make the mistake of regarding film too seriously. They sit in their dark room day after day, looking for what they can devour. Cutting and destroying valuable property is their profession. If they did not find anything for excision they should consider their day wasted and their usefulness would be hastening to its end.

Very well. On the other hand not a few will say that much viewing of picture film contaminates and weakens the moral fibre. Too great familiarity with the subject will render a censor, as well as other men, callous to the sight which ought to shake him to his foundations.

However it may all be, and I care not much what the final judgment shall be as to my own case, I have wished to set forth the situation with reference to the evil note in film with only justice and truth. If what is bad in pictures covers but ten per cent. of the output—I think this is Mr. George Kleine's guess—if, indeed, it should be only five per cent.—if nasty word and allusion shall creep here and there *passim* into thirty per cent., or even twenty per cent. of the remaining ninety or ninety-five per cent., it is to this relatively small volume of evil that I address my little volume. Not many of us wish to violate correct standards of

department in other departments of life. But we are not unmindful of our duty to our fellows, and we make rules to hinder and prevent that little part of the population which now, or at some future time, shall stand ready to do damage to society. I, and those who think as I do, have only this attitude toward the picture maker. The laws which we would enact are not for those who direct their courses rightly; they are meant for and will only touch and restrict those who on some account are minded to act in another sense.

Philadelphia,
February 1, 1922.

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The Morals of the Movie

CHAPTER I

DOES THE MOVING PICTURE MOVE?

WHEN I ask whether the "movie" moves I mean does it grow better? Is the making of film improving as an art, and is it providing us with better entertainment than it did at first? One must conclude that it disappoints many persons, since so much criticism and complaint are aimed at it everywhere. Parents wish to have the "shows" superintended before they let their children attend; teachers, community service groups, church organizations are inquiring whether the moving picture exerts a useful influence upon the people, especially the young. In some places the social conscience has been so profoundly aroused that they are censoring the pictures and forbidding the exhibition of certain kinds of film.

Only a few years ago there were no motion pictures. The development of the business of making and showing them is one of the miracles of the age in which we live. It is said that it is now the fifth, some declare, indeed, that it is the fourth largest industry in the United States. To-day there are, perhaps, 15,000 theatres in which film is exhibited in this country and

10,000,000 persons, one in ten of our people, it is believed, enter them daily.¹ The little celluloid ribbon, with the fascinating shadows imprisoned beneath its surface, is exported to all parts of the world. Last year enough of it left our studios in Los Angeles and other parts of the country, if it were unwound from the spools and attached, one end to another, to put a girdle twice around the earth at the Equator. It speaks a universal tongue. Some ingenious inventions serve only for a day; but the "movie," like the locomotive engine, the telephone and the automobile has earned for itself a permanent place in our civilization because it answers an important human need.

The photographed scene, the machine for projecting it, the screen on which it is thrown, the theatre in which we sit to view it—all have been vastly improved in a short time and are to have further improvement. Let any who may not think that the photography is better look at a picture of ten, five or even three years ago and contrast it with one of the latest "releases." He will be convinced of marvelous progress in settings, in the arrangement and use of figures and material, in lights and shades, in the whole method of reproduction. What is now made to run off before our eyes is real—wonderfully vivid. If it shall not transport us

¹ In a recent year under review 1,075,875,000 persons visited the 4500 "picture palaces" in the British Isles. There it is computed that the whole population attends once in a fortnight. One in fourteen of the inhabitants of Great Britain and Ireland daily attend the cinema.—The Cinema, Report of the British Commission of Inquiry, p. xxi.

to the time and place which are to be portrayed it can go to the discard before it reaches the market. No one wants, or will patiently look at a picture which is false on its face. A house must be a house; an infant must be an infant; Egypt must be Egypt, or its counterpart; a fall from a cliff, a railway wreck, if it be not real, must be so well staged as to seem so to the most critical spectator.

And no one is any longer satisfied with a "show" broken up into reels, with a wait of a minute or two while spools are exchanged upon the machine. It must be continuous, the projection must be steady, and strong, and bright. In other words, the theatre must contain the best and most modern equipment. Furthermore the picture must be viewed under comfortable and sanitary conditions. A multitude of little nickelodeons have been giving place to a smaller number of finely appointed houses. Some of these are almost palatial. The seats are excellent, large orchestras furnish music while the "show" proceeds. The price of admission has been multiplied, often by three, or five, or ten, but all living costs have increased, and what is now offered to us when we enter a theatre is, in a variety of ways, of more intrinsic worth than that for which we earlier paid a nickel or a dime.

In this sense—a physical sense—the motion picture has moved with a truly astounding rapidity. It is an achievement, like many other industrial and commercial feats, of which America can be truly proud. We have been pointing the way for the rest of the world, and it is not in any of these particulars that there is a

feeling of omission on the part of the film maker. When the mother fears for her boy, or the father for his young daughter, and the woman's club shudders for the community, it is in a moral and intellectual sense. There is a belief, founded upon some observation and experience, that the picture producer is not living up to his responsibilities. He is not careful in the selection of his plots and is not putting his actors and actresses into nice situations. Sometimes he is deliberately choosing bad subjects so that he can advertise this fact and entice you and your children into his theatres. He will try to stir your curiosity about the seamy side of life to swell his "gate receipts." The witnesses are many:—

An American critic, Walter Prichard Eaton, says that "the vast majority" of the producers "are content with the trite, the obvious, the trashy, the lurid, with slap-stick farce and ridiculous melodrama; the picture plays are false to life, turgid, sentimental, the twentieth century substitute for dime novels and nickel shockers."¹

"The great objective" in film, says another observer, is the "sex thrill," which is produced oftenest in these days "by assaults of men upon women, in some cases repeated again and again."

"More and more," we are told again, "are nude women replacing the story itself as the centre of interest. We have the spotlight on the bed and the couch to convey the idea of suggestiveness. It is easy. If one peddles cocaine for four weeks there is a demand

¹ *North American Review* for July, 1920.

for it. If one shows pictures in which the more or less nude woman is figured as a means of attracting patronage, because it is more easy and less expensive than securing a wholesome subject or story, the demand for pictures is made."

The motion picture, said a writer in a leading American periodical a while ago, is made for "twelve-year-old children." It appeals to "a low and mediocre intelligence;" it is for the "crass multitude." The manufacturers are "in the business for the money there is in it, like the yellow journalists."

"The continual harping on incidents of marital infidelity," says English expert opinion regarding our film, "is unworthy of the magnificent opportunity offered of introducing dramatic stories of real merit. Such films give to school children and adolescents an entirely wrong ideal of married life, and tend to create the impression that in the upper strata of society a standard of morality exists which is deplorable to the last degree."¹ "Sex interest" in the picture is offensive, and a source of danger, because it is made "dominant"; it is seen "unmodified by other interests as it is in actual life."²

The industry has been "immune for the most part from all healthy criticism," says another English authority. It has "fattened on the adulation of a kept press," and prudes who utter their strictures concerning particular films but increase its prosperity.³ The business is "still in thrall to commercial adventurers

¹ British Cinema Report, p. lxi.

² *Ibid.*, p. xxx.

³ *London Quarterly Review* for July, 1920, p. 184.

with no artistic standard above that of the traveling booth; and no desire to advance a single inch until pushed by public indifference or disgust." In such hands it has "perpetrated an immense falsification of human life and its issues, and, under the guise of 'psychology,' 'problem' and 'propaganda,' has added enormously to the mass of sentimental or debasing rubbish which is always at hand to warp the intelligence and judgment of the crowd."¹

The situation is progressively disquieting; the type of film does not improve. A leading New York newspaper said a while ago out of an honest heart—"The industry itself has advanced in the particulars of larger and finer theatres and more perfect technical results. Some producers have gone forward in the matter of splendid staging, using the outdoors to the best advantage and to the great pleasure of the spectators. They have presented to the eye the vastnesses that were beyond the grasp of the stage. But what of the dramatic in the movies? It has not gone forward, and it has gone back."²

The farther the industry advances, or so it has seemed to many, the more profoundly does it offend. So much was done in the first few years of the development of the business, when its leaders were flushed with enthusiasm, that it becomes ever more difficult to find new subjects for photographic use.

¹ *London Quarterly Review* for July, 1920, p. 187.

² *New York Sun*, Jan. 27, 1917. American judgment is confirmed by the secretary of the British Board of Film Censors.—*British Cinema Report*, p. 217.

The public taste has a dull edge; the call now is for fresh sights, new titillations, and this great trade, under forced draught, as it were, is sent far afield for fuel to keep its fires going. The very perfection—the clearness and impressiveness of the picture—increases its danger, if it go out along objectionable lines, so that it can be truthfully said, in such a case, that the better it is the worse it is.¹

A few years ago the program in a picture house was a collection of short subjects. To-day it is usually made up of one long picture—of five, six or seven reels (though you no longer know about reels since the entertainment is continuous), and a short comedy, or a news or a travel picture. Perhaps both the “comic” and the “educational” film will be shown.

The “news” and “educational” pictures have the approval of all of us, if not our practical support. They meet with general praise, though it be, one must fear, in a good many cases a kind of virtuous affectation. So will one speak well sometimes of a good newspaper and a good magazine—then fare forth to purchase a lurid and sensational one. In so far as they will be accepted as entertainment and can be used in the theatre, such pictures are of unquestioned value. But they are not much wanted and are little seen. Many of the news reels (of approximately 1,000 feet each, running, therefore, for about fifteen minutes) are pieced out with jests, cartoons, views of fashion models, or some other more or less silly device, lest the audience shall tire its brain in looking

¹ British Cinema Report, p. 136.

for an entire quarter of an hour at what one would be justified in supposing might be of the deepest human interest, namely, pictorial and vivid representations of the latest happenings, photographed in and sent forward with all haste from all parts of the world. But only in the larger theatres are the news pictures used at all, and in these, in at least one leading American city with a high reputation for intelligence, the "ring" controlling the management of the finest and most commodious houses cuts up the reels, selecting only enough of the material to occupy about five minutes. Even so much is introduced, we must guess, merely to afford a short intermission, so that the audience can draw its breath until the melodrama comes on again, or it is time for the comedy.

The scenic or travel picture, though it be tinted by patient hands in France, follows the same course. It is welcomed, if at all, by only a few; the rest visibly tolerate it. The exhibitor has tested his people. Their tastes are easy to read and understand. They fidget and go out under any prolonged showing of such film. Nor are our "movie" house audiences of a peculiar type. In England, too, it is found that only ten per cent. of the program can be devoted to material of this class. For children it seems to have no attraction.¹ A large London exhibitor told the British Cinema Commission that, if he should give up more than fifteen minutes in a two-hour entertainment to "educational" pictures, he would "bore many people and get many complaints."²

¹ British Cinema Report, p. lx.

² *Ibid.*, p. 17.

Such film must be rented, therefore, at very low rates, and much of the time it, perforce, rests upon the shelves in the "exchanges." As a result, quite naturally, it is manufactured in diminishing quantities. One leading company has commendably striven to enlarge the field for film of an instructive and serious character, but without much avail. Its experience has served as a warning to other producers, and attempts of a similar kind are not likely very soon to be repeated.

The real diversion is the comedy. For fifteen, twenty or twenty-five minutes the audience will happily follow the antics of some of the clowns of the screen. The faith of the exhibitor to-day is pinned to his "feature," his one long photoplay which is three-fourths or more of his program. Here is the producer's main problem and in this field what he needs more than anything else are themes and stories which are dramatically interesting and at the same time morally respectable.

If we study the course of the industry for a few years it is pleasing to note that the public has shown distinct favor for several actors and actresses who habitually appear in good pictures. Two or three ingénues whose names are everywhere known have reaped fame and pecuniary success. In pleasant, innocent, sentimental, if you like, and rather homely film stories they have met the demand for a soft and mellow entertainment which we cannot and shall never wish to be without. We are not yet done with our Indians and cowboys, nor is England. The acclama-

tion which has followed Charlie Chaplin is a spontaneous tribute to one who has brought new—if at one time in his early career very vulgar—fun into the lives of a multitude of men, women and children. A dozen or twenty young women who have adapted themselves to the screen in the last few years, often without stage experience, have won the admiration, almost the love of the American public on their own personal accounts, when they have been seen in attractive pictures with good plots, though they have been cast too often in film unworthy of their talents. It is a matter for their own, as well as their friends', regret that they have not had control of their own destinies.

If so much real success has attended the presentation of good pictures one can wonder why others should be sought for and, indeed, preferred by manufacturers. But there is another market, as everyone knows. A story having to do with subjects forbidden to young people, and not commonly presented to the gaze of older beholders will attract a crowd of persons to the theatre in which it is shown. Of course it will. You have witnessed so much many times. To say aught else about it is to speak without knowledge, and it is a development in this direction in moving picture film which has put the entire business in a sorry light. If the picture studio and the picture theatre cannot exist without these excursions into filthy places, the industry must expect the unfavorable comment which has been heard, now for a good while, and which, without early reform, is certain to increase.

Therefore, if the picture has moved morally, some

are prepared to declare that it has advanced in the wrong direction. It has gone its own way into some Naboth's vineyard where it should not be. Plainly and certainly we are entitled to some assurance that sex shall not be set before us in its ugly forms. Shall child ask us the meaning of this or that scene of this kind after we return from a picture house? Shall boy and girl, young man and young woman, sit side by side considering such stories as they unfold? Shall film like this enter a pleasant little community to be its topic of conversation for a day or a week, and to affect the tone of its thought for the rest of time? Our instincts and judgment say no, and in a little while the producers of film will need to take heed of what is becoming nothing less than a nation-wide resolution.

It is fortunate, one must think, from several points of view, that the machinery of production, for a long time propelled with hectic activity, is now slowing down. The tendency toward larger and fewer theatres is bringing us also to larger and fewer pictures. The new long picture in a theatre in a city will have a run of a week, in a smaller town of two or three days as against nightly changes in the bill formerly. It is for this reason that the producer, who was constantly scrambling to make enough new pictures to meet the nearly insatiable demand, has been able to reduce his pace. He should now have time to ponder, consider and choose, to exercise care in the selection of his scenarios, in the direction of his pictures and in the later excision of what appears, after

thought and discussion, to be contrary to good rules and standards in production.

The age is good enough and sensible enough to receive something better at the hands of the picture producer. He underrates our taste and understanding. The American public should see to it that he is made to hear of a demand for a story which is sufficiently reasonable to be discussed, and is worth a sane man's following it and remembering it. If \$300,000, or \$100,000 or even \$20,000 are to be expended in making a picture it ought to have some foundation to stand on. I mean by this that it ought to be built upon and around some literary plan. The producer tells us that he is perpetually in search of good stories. Like Sir Galahad and the Holy Grail he

“—— would ride
A twelve month and a day in quest of it.”

But in this great adventure it is written that no knight errant may discover what he seeks unless he be “perfectly chaste in thought and act,” and

——“most of them would follow wandering fires,
Lost in the quagmires, lost to me and gone,
And left me gazing at a barren board.”

One comes away from much looking at film with the definitely formed impression that there is a great want of literary as well as moral sense in the picture man's household. Hundreds and thousands of dollars are paid in a week to this or that actor, actress, man-

ager, director, or other necessary person. But until very lately nothing at all, to speak of, had been devoted to the purchase of the services of persons able to write rational, logical and entertaining stories.

It has been said, and, up to a recent time, it was a fair reproach, that when scripts were sent to producers they were likely to be "declined with thanks," or without thanks, while in a short time the author, if he were alert, would see his idea incorporated in a story attributed to another person, perhaps an employee of the producing company, or a "straw author." There still are companies which mulct writers in this manner. They are unwilling to pay for literary ideas. While some producers are coming to put a higher estimate upon the author, and are accounting him more worthy of his hire than a little time ago, too often a contract is made because of the advertising value of a story rather than its intrinsic merit. A few thousand dollars are paid because what has been written has appeared in a magazine of large circulation, or because it has been widely read in a book. It becomes the framework of a picture because of the name of the author, or the publicity which has been given to the title of his work.

Having got so much in a legal agreement, duly signed and delivered, the purchaser turns his bargain over to some staff writer, or to a director who does with the thing precisely what he likes. "The vast majority of these adaptations," says an English critic of conditions, "are distorted out of all resemblance to their originals, and, even when a photographic like-

ness is discernible nearly all the truth to human nature has been whittled away.”¹ Dramatists have been trying in vain, or almost in vain, to write “manager proof” plays. If any man or woman could produce “director proof” scenarios he would go down in history as a real prodigy. I have yet to meet an author who ever thought that a moving picture director had carefully used, or had intelligently caught even the spirit of what was put into his hands.

It would be unreasonable to expect a writer whose experience lies entirely in the field of the long or short story, which is to be read in print, or even the playwright, who deals often in words rather than action, to present his script in such a form that it can be directly transferred to celluloid. There are tricks in this trade which are learned by contact with its problems. The “continuity sheet,” with its list of titles and scenes, must come from a practised hand. But I have never been able to understand why that which is essentially repellent to the author, and which is calculated to reflect upon his good taste should be written into a story by the picture director, on his own motion, without as much as a “by your leave.” The very title of an author’s novel or play may be changed in favor of some lurid word or words which will strike you in the face. To put an assault upon a woman or a semi-nude dance into a story, which knew none of these things when it left the writer’s hands, is an affront to the profession of letters as well as to the individual author who is perhaps enjoying the \$1,500, \$5,000, or

¹ *London Quarterly Review* for July, 1920, p. 183.

\$10,000 which were paid him in "hush money." For this is what his reward comes to. He is bribed into silence while his deficiencies as a writer and a man of artistic sense are advertised to the millions of America, and of the world, who shall see the film. The first thing that the picture producer needs to do is to form an alliance with the author, and when he has come into touch with this useful person to treat him with enough consideration to see that he is not misrepresented on the screen. When we speak of the reformation of film we shall find this to be the starting point.

If I were asked for my opinion I should say without qualification that a large, good and now not well occupied field for film lies in the direction of the comedy drama—the drama which is light and pleasant and romantic, coming with nice humor and sound psychology close to our daily life, plus a little idealism. No author could perform a better service than the writing of scenarios of this character, no director could do better than to make them, with attachment to the spirit in which they are conceived. There is a place in the "movie" world for plots which abound in good natural sentiment, dealing with the eternally interesting theme of honest love, drawing the mind to pleasant relationships between men and women. If producers would set more stories of this kind before the people a great deal of the "sex rot" in pictures would automatically be driven out of existence.

In the face of their obvious shortcomings it seems to me that the "film men" cannot be surprised at what they now see. Some of their number have been

guilty of misconduct—this is clear. They have erred purposely in order to line their pockets and, with a rising interest in the problems of child welfare, and of social responsibility generally, measures for ridding ourselves of what offends us are being brought forward. Such activity on our side does not strike at the exhibitor or the distributor, oftentimes helpless in the case, but at the maker of the picture. The effectual plan is to take the market away from him. If we do this, in a short time the industry will be clear of him and there will be a place in it for a better man.

“Not that all the motion picture dramas are infected with diseases of the erotic imagination,” says a recent writer. “There are plenty of clean picture plays, quite enough to prove that all can and should be clean. There will be plenty of money in the business for the managers who learn that the public is hungry for more films of the clean earth and the clean people thereof; for the white magic that awaits the wand of a gifted manager’s vision; for the drama that gives the spectator credit for common intelligence, normal imagination and a decent mind.”¹

The picture in general, as such, excites our wonder and admiration. It opens the mind, enlarges the vision, cultivates the imagination of vast numbers of persons who hitherto have been living in the dull gray chrysalides of their isolated and constricted lives. Their horizons now have been widened—it must be so. It is the more reason, then, that the business should be held to some standards corresponding to our

¹ *New York Sun*, Jan. 27, 1917.

social need and feeling. Certainly in the long run, no matter what may be done to-day or to-morrow, we shall insist that the entertainment in our picture halls shall be decent. The farther it goes, the cheaper and more accessible it becomes, the more responsibility shall we have as to its character. We shall have a care for what costs three dollars on Broadway, but infinitely more concern for what is simultaneously shown for a few cents in a thousand places, in hamlet and crossway in all parts of the land.

It is the producers' problem and to them we can go with our laws as with our complaints. They are at the root of this trouble and many, if not most of the number, must be as hostile as we to the irresponsible speculator who covers the country with immoral pictures. In this business, as in others, the present and the future depend upon honesty and good faith. It is essential to deal fairly by a customer, if you wish to hold his trade. You and I, when we enter a theatre to see a picture, are the customers, and if we say that we have been deceived, that the story is "rubbish," or, worse than this, is clearly an offense against good taste, good manners and good morals, then the manufacturer and his representatives—the distributor and the exhibitor—are doing themselves lasting injury. They may leave the business, as too many soon do with their money sacks full, to engage in some other pursuit—this is the pity of it all. But the damage has been done for those who shall come after these adventurers; the field which was ready for the reaper has been robbed at one crop; it has been despoiled for

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the use of those into whose hands it shall come next year. The first step toward better things is to drive from the industry those who are discrediting it in many indisputable ways, and to put it on foundations where it can clearly be regarded as a form of dramatic art, an agency of public instruction, and, incidentally also, we can hope, a fair field for the investment of capital, and an honorable branch of trade.

CHAPTER II

SEX PICTURES

SEX is the one potently dominant idea in the minds of the men who are gambling in the public taste for nasty photographic stories. The capitalist who is financing the picture-producing company, the executive officers whom he hires to make money for him, and the directors in the studios expend much of their time and energy in trying to devise that which will show the male and the female in some unusual and new relationship. The public, sated by much looking at film, night after night, must be aroused from the apathy which comes from having long ago seen all that is proper to be shown, and we have been plunged into an abysmal morass of fornication, adultery, pandering and prostitution. The seduction of mill girls and stenographers by their employers, men living with mistresses and women consorting with men without marriage are flashed into the eyes of old and young, willy nilly, in our "movie" houses.

The owner or distributor of such film often comes to me with the statement that it is educational. He is engaged in teaching the people lessons which it will be good for them to learn. For example he wishes to circulate a picture which tells about "white slavery." An innocent country lass arrives in town. She is ac-

costed at the railway station by a procurer. This man is in league with a taxicab driver. They offer the girl counsel, and, by one dishonest device or another, before she quite realizes what she is about, she finds herself in a sumptuously furnished house ready to be inducted into a life of shame.

The changes have been rung upon this theme for years. Sometimes the portly "madame," with the jet-black female servant, who receives the girl, is the "mother," and sometimes the "aunt" of the young man who interested himself so deeply in the welfare of the country lass at the railway station. Sometimes it is a procuress who greets her upon her arrival and ensnares the young victim. Occasionally the girl is saved from the fate which faces her; again she may be submerged in the life to which she has been introduced to break the hearts of her parents and some farmer boy who loves her at home.

The dealer who wishes to persuade me that this is a film suitable for public showing argues with me vigorously and tediously. He asserts that young girls should be instructed as to a matter of this kind and that there is no better medium for popular education than picture film. How can they protect themselves from the pitfalls which are prepared for youth and beauty if these revelations are not made to them in as public a manner as possible? Would I bar them from knowledge which is capable of being of so much indispensable worth?

At times lecturers will accompany pictures of this character with remarks most stupid, most vulgar and

most ungrammatical. I have in mind three or four shabby fellows. They hoisted sensational banners outside of the houses in which they were to speak and filled the theatre lobbies with like announcements. In the afternoons, perhaps, "ladies only" would be admitted; at night, only men. At all times boys and girls under sixteen might not enter, so it would be said, although in such cases any who may have the price of admission are seldom excluded. In little towns the advance advertising put the entire population upon the tiptoe of expectancy. Here was an exposé of fearful wickedness which all wished to know more about. I have pursued, prosecuted and driven these men out of our state, but not before they took the opportunity to tell me, of course, that I had no interest in the reformation of the race. Statistics were cited to me about the large numbers of young women who annually are led astray. Here was a sermon which was being taken to the hearths and firesides of the people and it was a hard heart, and an unsympathetic one, which would prevent those who were bearing such a message from delivering it.

I asked one of the fellows why he did not choose another subject for his lectures. He told me that he could not get the people to come and hear him on other topics, a fact so obvious, taken in connection with his appearance, address and general equipment for the service, that the conversation was abandoned at once.

A few years ago the "educators" in the film business invaded another field. It was their "mission" to persuade women to avoid malpractitioners and abor-

tionists. Every reluctant mother should be instructed as to the dangers of "birth control," and she should be made to understand the emptiness of a childless life. Though it might seem, on superficial view, that such a subject could not well be dramatized and incorporated in film several producers, nothing daunted, set themselves to the task. The first of these pictures, unless my memory is at fault, was "Where Are My Children?"¹ which was followed by "The Unborn,"² "Enlighten Thy Daughter," "The Law of Nature," and others—all dealing in one way or another with the

¹ "Where Are My Children?" deals with a number of society women who refuse to bear children. They repair to the office of an abortionist for operations and are seen coming to and going from this place in their motors without the knowledge of their husbands. One is the wife of the district attorney who has been prosecuting the quack doctor for selling a book on "Birth Control." After the death of a servant girl, whom his wife sent to the fellow for an operation, and who had been betrayed by the wife's brother in the district attorney's own home he hauls the malpractitioner into court. There he discovers that his own wife and her friends have been the man's principal patrons. Therefore he asks, "Where are my children?" The woman repents of her course, but finds, too late, that she is disqualified for child bearing, and she and her husband pass into a dispirited old age.

² In the "Unborn" a man betrays a country girl. Her child comes. He meantime marries a young woman in his own walk of life, but she is disinclined to bear children and visits an abortionist, called Dr. Ahlbad, for an operation, which is pictured in some detail. Another girl is seduced by another man; she, too, visits the doctor, but her father brings the offender to book, and he is shown at the end in stripes in a prison cell, with figures of infants haunting the air on all sides of him—the infants which he has been the instrument of destroying are the perpetual nightmare of his life.

same theme. Considerable sums of money were talent in direction and in acting, though it is difficult to conceive how women, even if they were generously compensated for the service, would consent to appear in such scenes, were expended in filming these stories.

It is a sorry part of the business that our degeneration is progressive. At first pictures of this kind were considered bold. In particular did women feel and express a resentment that the producers should make such films and that the theatres should exhibit them. But after the first was seen the second shocked no one very much, and the public was ready for some fresh exploitation of the intimacies of life.

The absolute assurance of large profits from the exhibition of such material led the distributors to put forth exceptional efforts to market it with the greatest possible amount of prestige and publicity. They ran off the reels privately before doctors and ministers with the purpose of securing endorsements from at least some of the number who might be drawn to witness the "shows." Engraved invitations were issued. Expensive apartments in fashionable hotels were secured for the exhibitions. The names of bishops and other men, well known in the community, were used by the audacious fellows who held the distribution rights. Because of the variety that there is in human nature, by flattery and sometimes by bribery, endorsements of this kind were obtained. These were printed in the newspapers or set out in large letters in front of the theatres, thus creating an impression which lulled into insensibility many who were on the point

of protesting against such a commercialization of sacred things, and enabled those who had set out to speculate upon the curious and prurient in public taste to gather in the money from the crowds which formed long queues at the doors of the theatres.

Now and again we have had pictures to illustrate the processes of human birth. I do not allude to scenes in pictures, which are so numerous as to be common showing the obstetricians and nurses around the mother in travail upon her bed and of the father pacing outside the door. These scenes are introduced for entertainment. I refer instead to pictures, made originally, perhaps, for limited use to instruct women as to their own care and the care of their children. But they come into other hands. Someone sees value in them for general sale and exhibition and he takes them out on circuit for gain.

A picture of the kind which I have in mind is introduced by observations quite common to propaganda film—therein is contained the apology, as the distributor would have us think, for their manufacture and exhibition:

“Birth is not the commencement of life. Every baby is alive for several months before birth, therefore it is necessary to consider the welfare of the mother and child.”

“In the production of this remarkable series of motion pictures, the Eugenic Film Company and its co-workers have been prompted by a realization of the dire effects resulting from ignorance of eugenic and hygienic principles.”

"These effects are most glaring, especially during the periods of expectancy, confinement and the urgent necessity of fostering baby's health and well being."

"Last year in spite of the great work done by the Department of Health, out of ten babies born here, taking only the first year of life, *one* died in every ten! So that with nearly 40,000 births per year, New York City shows an annual appalling loss of *fourteen thousand* baby lives."

"We offer these pictures to the adult public, sincerely anticipating that they will teach the great lesson, which, if heeded, will do much toward the preservation of the all too often sacrificed little lives."

"These pictures have been produced under the supervision of the attending staff of physicians and surgeons of a prominent New York hospital and the methods illustrated herein have the stamp of their approval."

"It is, therefore, in deepest appreciation of the opportunities afforded that we convey to you a visualized scientific precept of what Every Woman Should Know."

At least one picture there has been, "The Solitary Sin," which was designed to "educate" us on the question of masturbation.

Venereal disease has lately received a considerable amount of attention and several films have been made to illuminate this subject. Some, like "Damaged Goods," are held to have literary support. Others, such as "Fit to Fight," "The End of the Road," and "Open Your Eyes," were called out by the war. I know not in what spirit they were originated, but I

can believe that one or more of them may have been born of some honesty of motive. It is barely possible that they may have had their uses in camps or before selected audiences, gathered together to be instructed under the direction of reverent persons. But others hold a different opinion.

"We cannot conceive of any methods more mischievous and perverse," says an English writer, speaking specifically of "The End of the Road," "Damaged Goods" and "Open Your Eyes," "than those employed by the producers and hawkers of these pictures" in the British Islands. He asserts that "the stories with the printed innuendoes which accompany them on the screen are almost directly subversive of the real warning which ought to be conveyed. In all their high falutin' asseverations and sordid trafficking in Scriptural texts, the dominant feeling with which one comes away from such films is that, if one cannot be 'good' one should be 'careful.'"

Continuing his observations, concerning "The End of the Road" in particular, the writer says: "The reasons for condemning sexual promiscuity are founded on the deepest moral principles, yet these are completely neglected in the film. The appeal to idealism and purity of life is never hinted at. All that is left is a crude appeal to the emotions by as silly a story as it is possible to imagine; the whole effect of which on the minds of the susceptible can only be to transform illicit sexuality into a speculative adventure which may have no bad consequences (for the man) if treated in the right way."

As for "Open Your Eyes," he adds that its whole lesson amounts to nothing but that "with a moderate degree of caution the dangers of syphilis may be overcome," and that the "services of a recognized medical practitioner are preferable to those of a quack."¹

However all this may be, my own protest is mainly against the general circulation of pictures of this kind for the profit of speculators. To exploit sex disease in the cheap theatres and present this subject in the guise of entertainment to all sorts and conditions of people, with no purpose but the making of money for the showman, meets with my reprobation. The good which can accrue from instructing the young about such a topic under proper circumstances I would not underrate. But to cry sex disease from high places with a view to leading the population for a price into a theatre—men, women and children, adolescent boys and adolescent girls, to sit to music, side by side, while the subject is developed on the screen before them for an hour or two, through the medium of a wishy-washy love story, perhaps to be followed or preceded, as the case may be, by a "slap-stick" comedy, is in my judgment contrary to public policy.

Of this character, too, we are asked to believe, are the "drug pictures," three or four years ago very numerous, though of late their production has nearly ceased. "The Secret Sin," "The Devil's Needle," and a long series of films, having to do with the use of morphine, cocaine, opium and other narcotics, which we have been endeavoring to suppress with the whole

¹ *London Quarterly Review* for July, 1920, pp. 180-81.

power of the law, have swept across the screen. All classes of the population who know nothing of these vices, have been made intimately acquainted with the names of the various drugs and their seductive influence, the manner of applying them by the needle, by smoking them, by sniffing them, et cetera, the devices which may be employed for smuggling them into the country for a forbidden trade, and for procuring them from peddlers and other persons engaged in their distribution.

In general such pictures as I have been describing are called "Enlightenment Films." They have attracted notice in other countries as well as our own, and they, everywhere, meet with protest and condemnation. The allegation about their "mission" is pure "humbug."¹ My position in regard to them is precisely that of the British Board of Film Censors (they are speaking of the drug pictures—the application can be extended to birth control and similar subjects):

"It is said for such films that they serve to warn the public against the dangers of the abuse of drugs, but the Board decided, that, there being no reason to suppose that this habit was prevalent in this country, to any serious extent, the evils of arousing curiosity in the minds of those to whom it was a novel idea far outweighed the possible good that might accrue by warning the small minority who indulged in the practice."²

The man who has made such pictures and offers

¹ *London Quarterly Review*, July, 1920, p. 187.

² Report of British Board of Film Censors for 1914.

them for sale looks as little like an "educator" as any one I have ever seen. His object is so poorly concealed as to deceive no one. He is so uncertain of his position as an instructor of the people that, if you are an officer of the law with the power to restrain his activities, he will make advances to you directly, or to those under whose influence you are suspected of standing, with a view to causing it to seem to your advantage to let him have a free way. He knows that he is at the gateway of a wonderfully profitable field, if he can get in. I know him better than he knows himself, if he ever succeeded in persuading himself that he was honest. He is trying to fatten his purse. He is a moralist until he leaves my office; on the street again he exploits his wares without holiness or grace. He throws off his masque and is seen now for what he is—a shameless adventurer who would prey upon the salacious tastes of the people. He is not only not a teacher; he is wanting in the most rudimentary sense of social responsibility with reference to his fellow men.

Such communications on the subject of eugenics, race suicide, sex disease and the most successful methods of avoiding the pitfalls of large cities can be made, one might suppose, through the home, the church, the school and those social agencies which have been established for ordering our civilization. The theatre manager is another type of citizen. He keeps a place of amusement for his own gain. His lesson is mixed with a seductive love story "to get it across"; he advertises it luridly that he may draw all

classes to his doors in a spirit of morbid curiosity. They do not come in a frame of mind for learning. They are wrought up to the point of believing that they are to see hitherto unseen and to hear hitherto untold things, having to do with their procreative organs. The lesson goes astray; if it shall ever be taught them at all it must be conveyed by wiser teachers under more favorable conditions at some later day.

In the case of most of our sex stories in pictures, however, no lesson is intended. I am aware that this plea is sometimes offered and we are asked to give it serious attention. A line at the end and a few scenes, fifty feet in length, after we have dragged our helpless limbs for an hour and a half through the sewers of picturedom, remind us that "the wages of sin is death."¹ We are shown, perhaps, in accordance with a moral code which is very familiar in the "movie" house, that there is retribution for the girl, though seldom enough for him who has tempted and wronged her.

But no such defense as that which is set up unsuccessfully in behalf of the "Enlightenment Films" can now avail in this wider field. That virtue is rewarded and sin is punished before the audience is sent home, or that the whole sorry relation was "only a dream," cannot excuse gross and deliberate offending, and those who have brought these sex pictures to me and my

¹ The temptation in the film "takes five-sixths of the time and the heroic triumph at the end is very short—the temptation leaves more impression on the mind than the triumph at the end."
—British Cinema Report, p. 35.

associates have fallen back upon their rights and privileges as purveyors of the drama. They ask us to think that they are artists who must enjoy a free scope for their talents. They must have contrasts, climaxes and situations for the "people's drama," no less than for the play that belongs to the stage.

Let us look at some of their themes. I am bound to think that no one familiar with the history and spirit of the drama would wish to say very much in extenuation of such a perversion of art in the interest of low and nasty commerce. The stories are summarized not unfairly. Their titles are given, though not the names of the manufacturers, so that any who may care to investigate the subject on his own account may have a clue for doing so.

THE SCARLET WOMAN.—The story of a woman whose husband, while robbing a cash box to meet losses he has sustained in stock speculations, has killed another man. To save him from the electric chair she sells her honor to the district attorney. The husband, learning of what she has done, repudiates her and she becomes a prosperous prostitute. At length she marries again. When her second husband learns of the errors of her past life she commits suicide by inhaling gas.

WHAT THE BRIDESMAID KNEW.—A young girl from the country comes to town at the invitation of a friend to serve as the maid of honor at her wedding. The train is late; the girl is not met at the station; she falls into the hands of a "cabby" who is in league with a procuress, and is taken to a house of ill fame.

The prospective groom, after a night of debauchery at an ushers' dinner, visits the house for a "last fling," discovers that he is in a room with the girl who is to be the maid of honor at his wedding on the following day, and agrees to aid her to escape from "white slavery," if she will take a pledge to say naught about his misconduct. They together leave the house by a rope made of the sheets on the bed and the next time they face each other it is at the man's wedding.

GOD'S COUNTRY AND THE WOMAN.—A story about a Hudson Bay Company agent in the Canadian Northwest and his wife and daughter. An earlier lover of the wife returns to her. She has a child by him in the absence of her husband. The daughter comes to her mother's defense. She finds a man who is willing to pose as her husband and she takes the responsibility of her mother's new-born infant which is offered to the absentee upon his return as his grandson. Later the man with whom the wife has had adulterous relations abducts and attempts to seduce the daughter.

TWELVE TEN.—The manager of a rich old man's business affairs makes improper advances to his adopted daughter. The manager tries to poison his employer. He is foiled. To gain his sensual ends he alters the old man's will and inserts a provision in it requiring the girl, who is the principal heir, to repair at night to a deserted castle to pray over his corpse. The old man, suspecting his manager of evil designs, takes some drug which is warranted to bring about the appearance of death for a number of hours or days. His supposedly dead form is put in a great bed

in the castle. The young woman is terrified but betakes herself to the place for the services required of her. Soon there is a rustling under the covers and the villain, who has somehow put himself in the place of the corpse, comes forth to rape the girl. He is confronted, to his great surprise, by the old man, who, lying in the next room, has recovered from the effects of the drug in time to rescue the girl.

THE AMAZING WOMAN.—The story of a girl from the country who is enticed into the home of a rich man who has promised to advance her in art or music. She lives with him for a time under the hope of marriage, but is disappointed. A discarded mistress, she wanders into the slums of the city where she is touched by the sufferings of crippled boys. That she may establish a hospital for them she adopts an unusual course. She plies a prostitute's vocation at night. The money which she thus gains from rich men she applies during the day to the comfort and relief of the poor. She falls in love at length with a young soldier, who proves to be the son of the man who originally betrayed her. She is forgiven by her lover and marries him.

THE WOMAN IN THE SUITCASE.—A married man whose wife is an invalid strays off and acquires a mistress. His relationship is kept a secret until his daughter discovers in his suitcase a photograph of the woman (whence the title). She sets out to save her father, as she believes, and with this end in view aims to become acquainted with his mistress. She goes to that woman's home where she is on the point of being

seduced by an old libertine who frequents the place, when she is discovered by her father. This is the occasion for him to mend his ways and he returns to his wife.

FLAMES OF THE FLESH.—A Parisian courtesan entangles in her net a young American. Word of it reaches the father, a wealthy man careful of his family name. Another son goes to Paris to rescue the erring brother. He also is entangled. Then it turns out that their father is the man who was responsible in the first instance for the woman's moral undoing. She at the end commits suicide rather than bring disgrace to the second of the young men with whom she seems really to have fallen in love.

THE LAW DECIDES.—Running through this picture is the story of a married woman found in a lodge in a wood in a compromising situation. Though she has been guilty of no wrong her husband discovers her and she is left to marry the other man. This she does, but refuses to have sexual connection with him. After resisting him for a period of time she is deserted by him and is restored to her first husband without divorce, on the ground that the second marriage was never consummated.

THE MADNESS OF HELEN.—A young girl is visited by a ship's surgeon on shore leave. The next night while the hotel clerk is asleep at his post she bribes the bell hop and is shown to her lover's room where there are various scenes of her in undress living openly with him. "After three golden days" he is called back to duty. In the course of a year she is shown

with a child and subsequently wanders around in a demented state of mind.

WINIFRED, THE SHOP GIRL.—A department store manager entices a girl employed in his shop to his apartments. There at a wine supper with another man and woman in attendance she is drugged. She is then carried up-stairs and locked in a bedroom. In a struggle to ravish her a piece of her gown catches in the door and is torn off. This furnishes a clue to her whereabouts and her lover and his father rescue her from the "beast."

HER WEDDING DAY.—A young girl is married by a designing mother to a rich man. On her wedding day, soon after the performance of the ceremony, she meets, on the grounds of her new husband's mansion, a distraught young woman who has been his housemaid, and who tells how he ruined her. The man is confronted with his sin, the wife repels him when he comes for intercourse with her, but he tells her that, as she is now married to him, she must discharge all her marital obligations. She arms herself with a great knife and awaits him in her apartments, but meanwhile the man is killed by the demented housemaid.

THE NARROW CREED.—A young girl is betrayed by a deacon's son. The night before her baby is born she is picked up on the street by a doctor and taken to his home, where her travail, shown in detail in the picture, occurs. He and his wife take care of the unfortunate girl and her infant. Meantime the boy is away at college and the deacon and the various women, acting as custodians of the morals of the neighborhood,

foregather and formulate plans for showing her out of town. Finally the boy marries the girl whom he has seduced.

THE EVIL THEREOF.—A rich man decides to give a wine supper to a number of prostitutes and their male friends in a New York café. His favors are \$100 bills; as the evening advances he tells the company stories about \$100 bills which are illustrated in cutbacks. The picture always returns to the group at the table which constantly becomes more drunken. At last he gives an account of how he secured his own mistress, a manicurist who sits at his right hand. One night after she had polished his nails he took her out for a motor ride; ordered his chauffeur to feign an accident to the car near a certain road-house, which they entered with the excuse that another machine was to be sent for; intoxicated her with wine and then violated her. He departs alone in the morning, leaving her in bed in the hotel. There her father finds her and repudiates her. She is left to a life of shame. As the man ends his brazen tale he embraces the woman sensually, whereupon she seizes a carving knife and plunges it into his breast.

LOVE'S TOLL.—A country girl goes to town to study music. There she resides with another girl who is an artist. She meets a gilded youth who deceives and betrays her. To no avail she tells him that she is soon to have a child. He continues his life with an actress. The country girl, when her condition becomes known, is put out of the house by her friend, the artist, and she soon afterward appears in a maternity hospital

where her child is born. In the course of time she takes up nursing and marries a doctor without telling him of her disgrace. At length she meets her betrayer who proves to be one of her husband's most intimate associates. The husband swears vengeance, the seducer is killed in a scrimmage, and the man and his wife, reunited, are as happy as before.

THE LITTLEST MAGDALENE.—A young girl is drugged and taken to a rooming-house. She escapes and, in the confident belief that she has been raped, she attempts suicide by the inhalation of gas. But it at length appears that the man was frightened away before he had accomplished his immoral object and he comes back to the girl, still quite ignorant of what has or has not taken place, and assures her of her virginity.

THE PAYMENT.—A country girl is ambitious to become an artist. She visits the city and in order to secure two years abroad for study pays the price exacted by a married man. When she returns she is famous and receives a commission to paint a portrait of the wife of the man to whom she sold her honor. The two women become friends and the artist in due time is introduced to the wife's brother with whom she falls in love. As she is about to accept his proposal of marriage the seducer appears, threatens to expose her to her lover and consigns her to everlasting unhappiness.

THE EXPIATION.—An American girl and her father fall within the zone of Russian occupation in Turkey. Soldiers sack their wine cellar and, becoming drunk, one young fellow assaults the girl. As a result of this

rape she has a child, a son, to whom after he arrives at manhood in America, she gives an account of his birth. He vows that he will hunt down the man. But meantime he has fallen in love with the adopted daughter of a settlement worker who proves to have been his mother's soldier betrayer in Turkey. Then follows the marriage of both couples—the mother and her betrayer and the son and the young girl.

It is my very clear and definite opinion that such themes are not suitable for dramatic use. The bare ugliness of the framework is so striking one is bound to conclude that in the belief of the picture producers all proper fields have been exhausted and that, to find something new to set before us, they, in their extremity, must take material which they had earlier discarded. The demand for new picture stories to supply the changing programs each day has been "ludicrously in excess of any humanly possible ability to produce worthy material," says Walter Prichard Eaton. "One has followed so fast on the flicker of another," as they have impinged "on the jaded eyes and shallow brain of the typical spectator," that "something violent or something unusual" now is needed to awaken the enthusiasm and renew the interest of the public.¹

The producer and all his people, from director to the lowest unit in the scheme, as well as the visitors to our picture houses have been calloused by what they have passed through. All of us together have lost the sensibilities with which we started out. In the *din*

¹ *North American Review*, July, 1920.

that our world creates the man who speaks in a moderate tone after a while is not heard. Then he raises his voice. Others do the same until at last every one is screaming at the top of his lungs. I sometimes think that the picture has reached the screaming stage. It has said this and that as well as it could one year after another. It has now pressed the loud pedal and is standing at high fortissimo. To peep into curious and prohibited fields whets the appetite for a clearer and a fuller view, and we have been taken so far that now, surely, there is but little which any of us has not seen in filmdom.

To defend such plots and their use for pictures on the ground that they are rooted in the soil prepared by Shakespeare is usual. To many it must seem a far cry, but so much as this has often come to my ears in behalf of many a film which I had supposed, until my attention was directed to another side of the subject by the parties in interest, had been contrived in violation of all the canons of dramatic art.

CHAPTER III

MELODRAMA, SERIALS AND "COMICS"

It has been said frequently and truly that the prevailing type of "movie" play is melodrama, a term conveniently used to cover stories having to do with criminal incidents presented in a sensational way. Thrilling "heart interest" plots dealing with the elemental passions, full of movement and violence, scene swiftly following scene, crowd the picture screen. One would not speak contemptuously of, or generally condemn, film of this class. Much of it has great entertainment value. It may be entirely unobjectionable from a moral standpoint, but the overwhelming prevalence of photoplays of this character in the annual output of our studios is a fair matter for remark.

No one who knows the "movie" and its place in the world would bar crime from the screen. One merely demands, and is right in demanding, that it shall not be presented and emphasized because it is crime. If the purpose is an artistic purpose it will be unreasonable to object to a struggle or a murder. But to exploit it to satisfy some real or supposed taste which visitors to picture houses, and especially the young, may feel for physical violence and human irregularity awakens proper protest.

A story is made to deal with metropolitan low life to feed a curiosity which boys and girls everywhere and many adults, particularly those living in little han-

lets, entertain in regard to wickedness that they have heard about but have never seen. So we are carried for an hour or two through opium dens, gambling and drinking houses, dance halls and the various cubbies and dives that belong to the slums of large cities. Women are debauched and men are shot. We visit thieves' fences. Gun play, the use of knives, fighting of all kinds in every situation, without rhyme or reason, are prepared for us, reel upon reel. Prostitution is seen on every side. All the sewers of creation, I believe, have been explored lest some vileness shall escape, and we shall not have had a record of it. With crime and villany, of all degrees and varieties, we who sit and look at film are in a little while so familiar that it is nearly a part of our daily lives. We go home at night ready for a moral bath, and are but partially refreshed when we awaken next morning for the tasks of another day. Major Funkhouser of Chicago used to say that he was washing the dirty linen of New York City. We censors are washing the dirty linen and cleaning the Augean stables of the whole wide world.

The *modus operandi* of criminals, if it shall be delineated in a medium as graphic as film, is a dangerous communication. How many times have we seen the pickpocket snatching a purse, the thief climbing a porch roof and prying up a window, the burglar opening a safe and rifling it of its valuables, the thug striking down his victim and running away, the highwayman holding up a stage or a railway train, to mention but a half dozen of the thousand and one deviltries

which are studied by the picture director that they may be carefully transcribed upon film. Such scenes are suggestive. If the depiction is detailed it is informative in the plainest way. Can anyone believe that a boy after seeing these sights over and over again will not come out of the experience with a vast new fund of knowledge which it is not good for him to possess? Will any doubt that here is a supply fountain of ideas for men who, with ill-conditioned minds and, perhaps, with nascently criminal instincts, in winter-time creep into the theatres to keep warm, and live there the day through? Let us ask the officers of schools, correctional institutions, juvenile courts, jails and penitentiaries and we shall receive but one answer.

The "most important" among "the deteriorating and destructive factors" as causes of "minor and grave misdemeanors," coming under the notice of Dr. MacMillan, who, as superintendent of the child study department in the Chicago school system, has had an experience covering some 15,000 cases annually for a long term of years, is the moving picture. "I could trace case after case," he says, "directly to the habitual frequenting of these questionable picture shows."¹

"I do not think, I know," says Warden McKenty of the Eastern Penitentiary of Pennsylvania, "that criminals are made in the picture houses. I study the cases of those who come to me. I ask the men how they were started on the paths which brought them to me and they say through the moving picture."²

¹ Report of Chicago Commission, p. 16.

² Report of Pennsylvania State Board of Censors for 1915.

The "crime serial" is, perhaps, the most astounding development in the history of the motion picture. The imagination of men bred up to a wholly unknown level in dramatic craft has been running riot for years in these continued film stories. They are *sui generis*. They may be made preëminently for the small boy, though I believe that no such claim is put forward by the manufacturers of the product. The serial does not come into the hands of an exhibitor with a particular view to drawing children into his theatre to look at it. It is meant for the most ignorant classes of the population with the grossest tastes, and it principally flourishes in the picture halls in mill villages and in the thickly settled tenement house and low foreign-speaking neighborhoods in large cities. Not a producer, I believe, but is ashamed of such an output, and yet not more than one or two of the large manufacturing companies have had the courage to repel the temptation thus to swell their balances at the end of the fiscal year.

No sooner is one of these visualized "shilling shockers" finished than another is begun. Some companies keep two or three running at the same time. "The Black Box," "The Brass Claw," "The Flaming Spectre," "The Invisible Hand," or whatever its name, is presented in fifteen or eighteen "Episodes," of two reels each, every Tuesday. The hero or the heroine, as the case may be, is seen in high air; in a sewer without an outlet; under straps on a log while the saw draws nearer and nearer to his shivering form; on a powder keg with a lighted fuse attached, facing a

time bomb, with the hands upon the dial pointing to 9:59 and an explosion due at 10; under the torture of serpents and lions; or in the drip, drip, drip of falling water, when lo and behold! the "Episode" ends and no more will be seen until next week. How the villain is to be foiled will not be disclosed until the following Tuesday, when the hero will be involved in like difficulties for rescue in due time, and so on indefinitely.

It is hard for many of us to realize that there is a taste demanding such film. We do not know the consumer. We ourselves do not have the acquaintance of those who would be entertained by the violences and excitements which crowd the story from end to end. Nearly everything in it borders on impossibility, and yet, what could not be is so insidiously confused with what might be as to make it a school for crime. I have seen in my entire experience with the serial only one or two which were much less than this. In the main they, throughout, are made up of shooting, knifing, binding and gagging, drowning, wrecking and fighting,—involving the characters in every sort of villany within the gamut of human imagination. The criminologist would find the picture serial a fruitful field of study. I should like to see such research undertaken, and to have its fruits in a dissertation under the stamp of authority of one of our institutions of higher learning.

The screen is evil and wrong in so many cases because it is not true. The "movie" world is a world of its own, built, for the most part—not only in the serial, but throughout—upon the traditions of the

"dime novel." It is crime, violence, blood and thunder, and always obtruding and outstanding is the idea of sex. Until three out of four, instead of but one in four of our pictures shall be an orderly dramatic development of life we shall continue to criticize the business, and we shall insist that it shall be supervised, like every other great business, which comes in contact with our daily existence at so many important points.

In my experience as a censor I have listened to many pleas and protests. These representations seem to me to be far from sound. "It is life," I am told by the picture man at my elbow, as I condemn and keep out of circulation this or that film. "It is but a record of things which we all know about, things which we daily read of in the press."

I do not pretend to think that all film should pass through a cologne water bath before it be sent out on its tour in its tin box. It need not be purified and sweetened until it is fit to rest amid the lavender in our grandmother's mouchoir box. That is not my hope, expectation or desire as an observer and critic of the moving picture situation. Sugary, ladylike film, warranted not to harm the littlest child, is not what any of us ask for. We wish simply that it shall be decent, as decent as the life around us, the life we move in and are a part of. There are men who rob houses, murder other men, and play the devil in a thousand ways,—men who have mistresses, girls who seduce and are seduced, children born out of wedlock. But the errors and irregularities of the human family, however nu-

merous they may be, are not the prevailing note in life as they are in film. In so far as we can, as we go through the world, we endeavor to push our failings and sins and abnormalities into the background, so that they shall be in no danger of seeming to be typical of our civilization. If a rake named Stokes shot another profligate named Jim Fisk in 1872, and another degenerate named Thaw slew Stanford White in 1906, and a libertine named Elwell ended his days under sensational circumstances in 1920, and so on, we are not desirous of exaggerating such episodes until they come to be regarded as outstanding illustrations of American life. They are not so, and any disposition or tendency to select for emphasis these and like occurrences in the course of our national existence is deserving of hearty reprobation.

It is the greater pity that our film is so far removed from reality, since it has come to be exported in quantities for showing in other countries. Those of us whose judgment may not have been warped in that atmosphere of falsehood and exaggeration in which men are made to live in the picture house take it for what it is; but what opinions may not have been formed of us by the Chinaman, and the East Indian, and the Abyssinian, to say naught of men of our own color in all parts of the world, as they look at our picture film? We may guess when we note its reaction upon a people so near us in blood as the English.

"The manufacture of pictures," says Mr. Northam, a prominent representative of the trade in Great

Britain, "is almost entirely American." Obviously it is the producer's object to make films which will be "attractive to the public, and, as he is an American, he has, in the first instance, to attract his own public, which is the greatest public, with the result that the films are more American than anything else." Even British stories when they are filmed by our producers, Mr. Northam observes, are set in an American *milieu*.¹ The British public is left at the mercy of our picture men. The standards of production established by the manufacturers of the United States become the standards of the world.²

Even so intelligent and friendly a judge as T. P. O'Connor is a little misled by our film as it comes before him as a censor in England. He finds that it has sprung out of our soul, wherefore it must be viewed indulgently. "Over there," he says, "they have a different society from ours. They have the world of Bret Harte [Californians of Harte's generation have said that there never was any such California]. The result is that there is a large amount of the detective spirit and the spirit of adventure which come from a civilization where there is still the fight with nature."³

This is a charitable suggestion but it is rather more to the advantage of our film than of our national life. The picture, as we make it in this country, is as far from being a transcript of our American civilization as anything of which one can easily conceive. In my

¹ British Cinema Report, p. 195.

² *Ibid.*, pp. xxxi-ii.

³ *Ibid.*, p. 249.

experience with America, and I am a tolerably sophisticated person, I have never seen or heard of such proceedings as are so frequently set forth in the picture house. If I were to travel the country over I should not know where to find women who conceal revolvers in their blouses, or in the drawers of their dressing-tables; or men who wrestle in dress suits on the parlor floor for the affections of a lady, who in a spangled evening gown, naked nearly to her waist, grasps an iron from the fire-set on the hearth or seizes the inevitable paper knife to slay the villain, her lover rising in time to take the blame for the crime. Nor have I ever known a man who would tumble a rival for a woman's hand head over heels down stairways and over balustrades. Their whole seed, breed and generation who now live in film are an insult to our intelligence, if not to our moral sense. The entire system rests on a fiction that woman in our sight in America is a creature to be ravished, and man a creature who wishes to ravish her. No one of us ever heard of the doings which are so habitually transcribed on celluloid to be sent into our little towns and to the four quarters of the earth as descriptive of daily existence in New York City. There is no American "high life" which corresponds to what is set before us by the "movie" maker outside of some occasional house of ill fame.

Again I know of no trials in court-rooms which are conducted with the sensational incidents usually marking these familiar features of the "movie" play. Nor such medicine and surgery, nor such performances in wheat pits and on stock exchanges as our

"movie" directors devise. While I have encountered many artists—some very successful ones—they are seldom opulent, as all those whom we meet in filmdom seem to be. Very few in my circle of friends I am happy to record—I think none—have chosen the artistic profession that they might make the acquaintance of young women models and convert their studios into places of sensual amusement.

The "movie" world is not true. The film "Westerns," full of the performances of the plains, belong to a past age. The cowboy has disappeared. The picture stories dealing with the gambling house in the Sierras or the Rockies, where painted women are kept to entice men to drink that they may be robbed of the gold dust which they have brought in from the mountains, may be in some degree historical. They only remotely appertain to anything which we are asked to believe is characteristic of this country to-day. Yet I can think of a score of expensive feature films in the past three or four years in which these settings have been made use of in photoplays.

If film is not true neither, I am constrained to think, can much be said for it because of the picture plot's similitude to the play, as we see it on the stage, or to a story in a book. Let us see in what relation film stands to the drama. It may be granted for the moment that the picture is a correct version of a play. This seldom is the case, as is made plain elsewhere, but let us suppose that one follows the other as closely as may be. The result is very different. Again it is convenient to quote T. P. O'Connor who truly says:

"Many things which may be permissible on the stage, when living beings are acting the parts, are quite inadmissible on a film, where action has to take the place of words, and where, therefore, things which can be suggested by the voice, or by a gesture, or by a look, even, of the actor or actress have to be put in what I may call the crude concrete of the film."¹

In order to make a thing real to the people, who have only their eyes to help them, you have to insert much more detail,² and to exaggerate. It is easy to register displeasure on the stage without physically attacking a man. The conditions under which a play is given would render it not very practicable to show a prolonged fight wherein two combatants roll over and over each other until one or both fall down a stairway. On the stage men may not very conveniently or realistically be thrown over cliffs, drowned in rivers or at sea, wrecked on railway trains or in racing automobiles, or pass through four hundred experiences which are familiar material for film. The picture play is not set on a few boards in a theatre; its stage is as wide as the world. Herein rests its new fascination in very large degree and herein do we find much danger. That, perhaps, is done which ought not to be done and encouragement for the creation of daring and repugnant situations is found in the fact that there is no personal relationship between the actor and his audience. The "movie" actor or actress, under the goad of the director, out of view of and without any knowledge or care of what the reaction on his public may be,

¹ British Cinema Report, p. 245.

² *Ibid.*, p. 13.

goes through his performance. He does in all likelihood what he could not do, what his own feelings might rebel at, what his audience, were he on the stage in the flesh within their reach, would not allow him to do. Can anyone well conceive of an actress lying in childbed on the stage with 500 or 1,000 men and women in the stalls looking on, or another being chased around a room by a brute who wishes to assault her until her clothing hangs in shreds from her back? The loss of contact between the actor and his audience has of itself brought us to a point where the analogy between the stage and the screen is lost. We have of necessity come to the place where it is clear that one standard of judgment for the two things will not serve. Each must be taken for what it is; each must be dealt with for itself alone.

So different is the screen from the stage that a director, with the most honest intentions, cannot very successfully render a play into celluloid. One who saw the film version of "Macbeth" declared that he came from the experience with no impression except that a hideous and brutal murder had been committed.¹ Pictures purporting to be representations of "Hamlet" and "Romeo and Juliet" are full of disappointment. It has been said, cynically enough, that our producers will not reproduce Shakespeare because, in the development of the stories, they cannot introduce their favorite "bathing girls." In truth the best drama is quite unfitted for use for moving pictures, which must be just suited to the eye, and depend scarcely at all on the

¹ British Cinema Report, p. 61.

glories and beauties which ally the stage with literature.¹

Even actors who have made their success upon the stage, and stand for what is most estimable in the history of the drama, count for very little on the screen after their initial advertising value is worn off. How they miss the lines and the opportunities of using their voices, and the consecutive and orderly development of the story! What wonder fills their souls as they look at the machinery on all sides of them, while the sun or some fierce artificial light streams upon them, and they find that not one person in the "supporting cast" has read the play, or knows, or in any way cares to know what it is about! Each is there but to obey the director's orders until the camera can be shot at his muscular activities, and then, to stand aside until more of the same kind of service is required for another scene. In his heart an actor will curse this insinuating, irresistible invader, this crude, cheap interloper, while he thinks proudly of the drama as an art, and of himself as a representative of an artistic profession.

Many a one, without the least, or with the slightest training upon the stage, comes forward and in a day or two is hailed as a "star." Young women without voices or personal charm, who could, therefore, make no progress on the stage, gain a great reputation in film. Not one of the popular "movie" actors and actresses, of whom I can think, ever has won or ever

¹ British Cinema Report, p. 61. For some observations on this subject from an actor's standpoint see Otis Skinner in *North American Review* for September, 1920.

could win distinction on the speaking stage. By some tricks and mobile mannerisms which particularly equip them for action in front of a camera, often patience, perhaps, to dawdle and dally with the mechanics of picture-making, while an old actor will view it only indulgently, if not impatiently, may account in part for this special success of the veriest tyros. We can all think of more than one screen star who is in every obvious way devoid of histrionic talent of even the most rudimentary kind. For some reason success has been achieved by this or that awkward man or woman to whom the first suggestion of an understanding of acting as an art is as unknown as it is to the dog, let us say, as that animal plays his part upon the screen. The business belongs to and will remain in the hands of a great separate group of men and women, for the most part very young persons, who have succeeded in specially adapting themselves to it, and will patiently go through their paces in building up a story backwards and forwards, by unrelated piecemeal, to meet the unusual conditions which prevail in the picture-making plants.

The likeness of the moving picture to the story, as we read it in a book or a magazine, is more remote than to a play. When I am told that I should accept a film unquestioningly because it is founded upon a printed piece of fiction, I refuse to do so. Again let us suppose that the director has acted honestly by the story and has retold it in pictures as faithfully as his medium will permit. The room for difference of effect is very great. I have but a few hours ago looked

at a picture called "Behold My Wife," a screen version of Sir Gilbert Parker's "The Translation of a Savage." It is the story of a young Englishman in Saskatchewan who, to avenge himself upon a proud family at home, marries an American Indian girl and sends her back to them. The developments, which are entertaining, concern her progress in acquiring the manners of aristocratic society, and of making herself acceptable to those who at first were loath to receive her. The director doubtless was of the opinion that he had handled his subject with delicate tact. He wished to show that after the strange marriage the man and his bride had spent a night together. Mr. Parker said nothing at all on this point in his book, but the picture director, to "get across" with this link in his story, so familiar to the "movie," makes the man lead the girl violently and in disgust to a room. He goes to his liquor while she, neglected, sinks on a rug by an open wood fire. Her desire is indicated by her glances at him which are not returned and a yawning, to let us know that she is ready for bed. The man is still repelled, but after a little while he is reminded of her presence and seizes her in a sensual embrace, which is "cut" to allow the story to proceed to the ship bound out for England. We have forgotten the incident, when 1,500 or 2,000 feet later on, we see the Indian girl, after an exciting climax, in a swoon on the floor, a promise of what is to come, the birth of the child, the details of which we are fortunately spared.

Leonard Merrick's "Conrad in Quest of His

Youth" is a very pleasant story; the picture made from it is attractive. When the older woman whom he loved as a boy in Italy and who, to assuage his pain, when he was obliged to leave her long, long ago, came to his room for embraces, again at his wish consents to come to him that he may bring back his lost years, we see strange preparations. Conrad's valet brings out his pajamas and exhibits them; then he turns down the bed. To be quite certain of my ground I reread the book. There are, of course, no banalities of this kind in Merrick's story, and, more than this, there is no valet.

Conrad generously presents a sum of money to Lady Darlington. She refuses it. He returns with a subtitle—"You might have trusted me. I'd have taken no advantage of it." But nowhere in the book can suggestion be found of any immoral bargain and sale in either the man or the woman's mind.

"The greed of certain managers," said the *New York Sun* some time ago, "and the grossness or stupidity of their producers has resulted in throwing upon the screens a flyblown mess of kinetoscoped rot. There seems to be a fever among these managing spirits to make the movies nasty, even when it is not necessary for financial success and when the material at hand could be woven into something pleasing to the spectator and profitable to the producer. Why, otherwise, should the talents of an actor like John Mason be employed to film a procession of seductions? Why, otherwise, should a plot by Jules Verne, already a scenario of clean, exciting adventure, be so distorted

as to include, utterly for the sake of indecency, two attempts at rape?"¹

Here are familiar examples of the picture director's method as compared with the novelist's. He goes at his task with a club. His people, he says, are so ignorant and coarse as not to know any other form of expression, and the story must be driven home with hard blows if they are to understand and enjoy it. The writer may veil his situations with literary phrase, and give us pleasant hints of what has passed, and what is to come. He may allude to the existence of a child born out of wedlock. But the picture man, taking this idea, may very probably tell us pretty plainly how the mother was seduced, how the infant was conceived and of the circumstances under which it was born. We censors look for the symbols—a woman sewing on baby clothes; her whispering into her husband's ear some night before dinner, if she be married, her taking her betrayer to task and pleading with him, if she be unmarried; or a painting of the Madonna and Child hanging on the wall; or a bassinet in the nursery; or a basket full of kittens; or a litter of sucking pigs! Then come the mother with braided hair in bed, the doctor with his obstetrical case and his apron, and the nurse and baby.

We see the canary bird in its cage—some woman has been beguiled by one of the "movie" villains—we know all their faces—they have ruined nearly all the actresses on the screen in turn. She is beating her head like the bird against the iron bars. A figure of

¹ Issue of Jan. 27, 1917.

Christ and the Magdalene, a Scriptural quotation about that one who is without sin among you, and everyone knows that a seduced girl or a prostitute is at hand. The wedding ring which is used so much in film is thrown away—trouble lies just ahead in plenty. The siren with a cigarette in her mouth and a smoking censer at her side is squirming in a scale armor dress on a divan, or on the tiger skin rug on the floor, and we know that some man with more money in bank than brains in his head will soon come up to the candle for a burning.

The picture director has developed a language of his own which he thinks it is necessary to use and he often, unwittingly because of his want of taste, or deliberately and maliciously, draws his story through filthy places. An artist will not usually choose to traffic in uncleanness. When he does so he will succeed in etherealizing it a little—lending the theme some subtlety he puts it out of the reach of the lower million. It is for only a limited group of *cognoscenti*, who must take the trouble to read it, if it is within a book, who must pay a rather high price to see it on the stage, if it be offered in the form of a play. In these media the message is received by those to whom it has been addressed.

The picture man, on the other hand, has no small or very acute clientele, and, perforce, unmasks his immorality, if it is to be understood; if it shall not be understood he may just as well not deal with it. Disguises are cast off. I heard a leading producer declare not long since that in film everything must be set out in the

plainest terms. When I said that his explanations in subtitles were too bold he answered that it was necessary to make them so, or the motion picture public would miss the point. It was impossible, so he alleged, speaking from the widest experience, upon which he has always acted advantageously, to underestimate their intelligence. All must be laid bare with a view to making it comprehensible to such as swarm into our cheap theatres.

Nothing could be plainer than that the picture producer is working for one audience, while the dramatist or novelist addresses another. Nor is aught clearer than that the film maker employs one medium while the writer uses another. One speaks in words while the other relies upon pictured scenes, aided only in small degree by a few titles. Ten or twenty thousand persons in all, in a year, may toil through a book—reading has become laborious—ten or twenty thousand may see a picture founded on that book in one day in one large city. It sinks into the consciousness without the trouble of spelling out the lines and turning the page. It is presented in a vivid, impressive form, a form which all but the smallest child can unmistakably understand. "The visual impression has five times the force of a verbal expression and ten times the impression one receives from reading," says Dr. MacMillan, so long at the head of the child study department of the Board of Education in the city of Chicago.¹

Absorbing a story "merely by seeing it," says Carl Roden, of the Chicago Public Library, "is probably

¹ Report of Chicago Moving Picture Commission, p. 16.

the easiest way to receive impressions that the world has yet discovered."¹

When he offered Thomas Nast \$500,000 for ceasing to caricature him and his companions in thievery in *Harper's Weekly*, "Boss" Tweed said, "I don't care so much what the papers write about me—my constituents can't read; but they can understand pictures."

So it is with the "movie." It is one thing to speak or write in words of an assault upon womanhood; another to depict it in living forms and figures. It is one thing to tell of a burglary; another to present photographs of the actual processes of entering the house, opening the safe, abstracting the valuables and escaping with them. For any maker of a film to come to me and say that I should put my mark of approval upon it because it is an adaptation of a story published in a magazine or a book, which everyone likes, is an argument of no weight. Each follows its own course and must be judged by itself and for itself, because common sense, as well as experience, tells us that what is fair in print may be the reverse in a picture. In this striking want of analogy between the evil influences lurking in film, and those in the spoken play, or the written page, do we find our ground for a hearty disapproval of the choice and use by the picture man of stories of the kind under discussion.

Nor do I believe that the picture man has been more successful in maintaining a high tone in comedy than in melodrama. I shall except the comedy drama which is often light, bright and satisfying. I except those

¹Report of Chicago Moving Picture Commission, p. 17.

admirably entertaining films of Mr. and Mrs. Sidney Drew and any like them, if there are such. It is to be lamented that we have had so little comedy of this type, and it is most disquieting to realize that because of Mr. Drew's death the pictures which he left us are of no further practical use. For so constituted is the human mind when it is bent on pleasure that we do not care to look at the figures of the deceased. John Bunny in life was one of the most popular of screen comedians. His pictures now cannot be shown. So, too, has it been with Sidney Drew. The distribution of a book of a recently dead novelist is quickened. Attention is redirected to his work; publishers hasten to readvertise it. Not so with a film actor. The attitude of mind of the average picture-house visitor is such, when he enters it, that he does not wish to see faces which remind him of death. I confess to some indisposition on my own part to view the movements, particularly in comedy, of one whom I know will never contribute again to the sum of human mirth. The most outstanding of the good things in comedy in the past five years, therefore, the Drew films, have been laid away on the "shelves" with the educational pictures and the other reels which exhibitors do not want.

The prevailing rampant type in comedy is the "slapstick" of the drag-out and thrash-about variety which was invented, or at any rate developed to its high estate by an English music-hall clown, who found his stride in film. There is in all probability no more widely known name in the world than his. He is a household god to more human beings in more nations

of the earth than any other one of our 110,000,000 Americans. A greater number of boys and girls could take an examination successfully about Chaplin than as to the persons and careers of George Washington, Abraham Lincoln, Napoleon Bonaparte, Moses, Queen Victoria or the Nazarene. Until a very recent time—his current output is but small and the vogue of his old pictures is at last waning—there was not a nickelodeon which would dare to face its clients of a Saturday night without a "Charlie Chaplin," if it were anyhow to be procured. In many places his name would draw larger crowds than a Presidential candidate on the hustings, or a baseball game.

In a speech a few years ago I recall that I happened to remark that kings had their jesters and fools and that Charlie Chaplin was the fool of our American democracy. The newspapers the next day in their headlines, though they were more accurate in their textual report of the address, quoted me as saying that Chaplin was a fool. A "ring" of picture speculators advertised me for weeks in front of their theatres and on their screens as the author of the statement, giving the additional information that my income was so many hundreds of dollars in a year while the comedian's was so many hundreds of thousands, with the inevitable implication that he was a good deal less of a fool than I. This may, indeed, be true. When he was engaged in the active practise of his profession he earned a sum annually which would put to shame the civil lists of all but two or three of the great monarchs of history. He has set the pace for other movie

comedians whose aim it has been to seem as funny as he, and they all together have put an indelible trademark upon American comedy film. It moves faster, speaks to more people in a language which they can comprehend, and gives them more pleasurable excitement than anything anywhere yet translated into celluloid.

Chaplin himself in his early films was guilty of very offensive vulgarities, as are many of his imitators to this day. Young women are found who will put aside any delicacy of feeling which may have descended to them from their grandames, and will hazard their lives and limbs as well as their moral reputations to outdo the men in gross performances for creating laughter.

One need go no farther than the records of a censor board for indications of what is meant when we speak of obnoxious actions and allusions in comedy film. Here are a few taken at random:

The Undressed Kidd:

- Reel 1 A—Elim. all views of curtain being raised exposing girl's limbs.
B—Elim. view of colored boy looking through opera glasses at woman back of screen.
C—Elim. all views of girl in underskirt after curtain is removed.
D—Elim. action of tailor pulling string that removes girl's dress, also view of her running away.
E—Elim. action of colored boy jabbing tailor in seat with spear, also view of him run-

ning around with spear protruding from seat.

F—Elim. action of colored boy pressing hot iron to man's seat.

My Salomy Lions:

Reel 1 A—Elim. scenes of fat woman scratching Sultan on the knee.

B—Elim. scenes of man hanging from back of carriage, where he covers his eyes with coat after having seen female in room.

C—Elim. scenes of girl where her breasts are exposed in taking out and returning powder puff in low-cut dress.

Reel 2 A—Elim. all scenes of man in his underdrawers. This will include scenes where his trousers are partly off.

B—Elim. scenes of Sultan's agent where he is seen in his underdrawers.

C—Elim. subtitle "The Sultan craves your nearness."

D—Elim. scene of girl starting to undress.

E—Elim. subtitle "The Sultan's bed chamber."

F—Elim. all scenes of water coming through bottom of bed, man looking at it and subsequent action of him examining babies to see if they were the cause of it.

Wet and Warmer:

Reel 1 A—Elim. the near view of girl running into bushes when she is attired in her undergarments.

B—Elim. view of man catching hold of fallen

trousers and action of his pulling them up around his waist.

C—Elim. view of man feeling leg of girl who is attired in man's suit. This occurs when they are seated on bench.

D—Elim. all views of practically nude woman on poster, when she is seen doing the "shimmy," and all suggestive contortions of body. Also eliminate views of man running his hands over her breasts and stomach.

E—Elim. subtitle: "Where is my little shimmy?"

Our "slap-stick" men kick and bite, slap, tumble and roll, fly through doors and into tubs and pools of water (engage, indeed, in every variety of movement having to do with dousing themselves and others in water); hurl knives and bricks at convenient heads; strike pates, abdomens and seats with clubs and mallets and hatchets and adzes; throw eggs and pies into other men's and women's faces; pitch men from high buildings, through plaster walls and down hatchways, sewers and wells; pull off male trousers and female petticoats. There are wild rides in automobiles, locomotives, boats and airships and the spilling out of their occupants, destruction by fire, bomb and dynamite, portrayed by trick as well as legitimate photography, and arranged, in a furious succession, fit to dizzy a steeple-jack. The comedy directors have travestied the funeral, the morgue, the hospital, the lying-in of women, the opium den, the house of ill fame. The policeman and every other officer of law has been so much cari-

captured that by this time they must be beyond the bounds of young America's respect.

I can conceive of no form of extravagance which the slap-stick men have not made use of in the years they have been engaged with the problem of finding the universal and primitive chord in man's funny mechanism, but the riot goes on. If there is Inferno on this earth, so men well informed on this subject tell me, it is in those latitudes, principally in southern California, where brains are racked and hair is torn in attempts to devise new schemes for comedies. My own opinion is that this particular group of Americans overexerted themselves a good while ago. Like so many of our energetic and headlong people they had no thought for the future. They forced and now they have nearly killed the goose. It is possible that they have reserve powers quite beyond our reasonable expectations. But on the face of the situation the risk, at some time not distant, of their being unable to go farther without repetition, or retrogression, is great. I am certain that anyone who is in touch with the currents of the industry will agree that the past year has given us distinct proof of the most marked falling off in the output of comedy. Without the inspiration of Chaplin's example his old competitors are losing their zest for their violent labors and nothing, so far as one can see at this moment, is coming forward to take the place of that particular product which through them has given us world-wide fame.

Constantly, in the picture business, the quest goes on for lurid and sensational titles that passers-by may be

enticed to the box office. Often the names are not descriptive of the stories to which they are attached. They are chosen for no reason except with a view to arousing prurient and improper curiosity, to which the picture, on account of its cheapness and its accessibility, makes its principal appeal. The titles which I select anyone who has carefully followed the course of the picture industry will remember. As many more of the same kind could be cited after a visit to the fronts of the picture halls any day, or a reading of the advertisements in the picture industry magazines—

"A Soul for Sale," "The Married Virgin," "The Tiger Woman," "The Wolf Woman," "The Leopard Woman," "The Evil Women Do," "Why Women Sin," "The Sin Woman," "The Hell Cat," "The Sex Lure," "The Libertine," "The Serpent," "The Gutter Magdalene," "The Eternal Magdalene," "Dare Devil Kate," "Hell-to-Pay Austin," "Hell's Oasis," "Hell's Hinges," "Hell's Crater," "Pink Tights," "The Beast," "The She Devil" (I have in mind two pictures bearing this name), "The Scarlet Road," "The Scarlet Sin," "The Scarlet Woman," "The Courtesan," "The Taint," "Tainted," "Your Daughter and Mine," "It May Be Your Daughter," "Where is My Daughter?" "The Girl Who Didn't Think," "The Sin Woman," "The Mortal Sin," "Sins of Great Cities," "Sins of the Parents," "Sins of the Mothers," "Sins of the Fathers," "The Little Lost Sister," "Satan's Daughter," "Satan's Pawn," "The Suicide Club," "The Devil's Angel," "The Devil's Garden," "The Devil's Bait," "The Devil's Bond-

woman," "The Devil's Prayer Book," "The Devil's Passkey," "The Devil's Toy," "At the Mercy of Men."

If the film be founded upon a good novel, opera or play the producers may likely not make use of the title. For their own purposes, though one might suppose that the advertising value of a well-known name would admonish them against such action, they discard it and devise one more in keeping with the present state and condition of picture-house tastes. I recall that "La Gioconda" was used to provide us with a film called "The Devil's Daughter"; "La Tosca" became in a "movie" producer's hands "The Song of Hate"; "The Jewels of the Madonna" was set forth as "Sin"; "That Lass o' Lowries" appeared as "Secret Love," and Tennyson's "Maud," as "Naked Hearts."

The other day Barrie's "The Admirable Crichton" was seized upon by the celluloid people, and it was "picturized" as "Male and Female." When I inquired of some of those who had the responsibility for this action why they had taken this liberty with a work of literature they replied that "Admirable" in the mouths of such as have to do with film was apt to be converted into "Admiral," while "Crichton" was a word which none could correctly pronounce unless he had enjoyed a college education. Therefore "Male and Female." I discredit the explanation. The desire uppermost in the minds of the makers of the picture was to suggest a sex motive that they might the better sell their product.

A pretty little comedy of that prolific playwright, Clyde Fitch, called "The Bachelor," was made into an equally pleasing picture for that deservedly popular screen actress, Constance Talmadge. When it was embodied in celluloid it became "The Virtuous Vamp." A well acted and creditable version of the life of Madame Dubarry, which was being played in Europe, under that name, when it reached New York for distribution in this country, was rechristened "Passion." For what reason? Plainly we would be told, if it were worth our while to ask, that the American multitude, given to looking at film, requires a fillip in the title of a picture to fetch it from its fireside and bring the shekels in.

I can conceive of nothing so flagrantly demarking the picture business from art, and, in too many cases, from common decency as the methods employed in advertising film. The regular theatrical poster has been for long a thing to be little proud of, but the "movie" is heralded by "paper" which passes all previous limits. The gruesome, often hideous, and sometimes libidinous scenes, which are selected for emphasis upon the "ones," and "threes," and "sixes," and "twenty-fours" that are flung out to the winds in front of the nickelodeons, as well as the larger houses, even on the principal streets of our large cities, are an offense to good taste and good morals, as well as to the artistic sense. Such a drawing of forms and such a use of colors are clearly reflective of the low appreciation which picture producers put upon the mentality and culture of those whose money they are going out to

catch. The large and careful exhibitors in our principal cities often lay aside all the "paper" which comes with the picture, and letter their own boards, lest with the "colored monstrosities"¹ they do affront to the men and women of a better order whom they wish to bring to their doors. In all but two or three cases in a thousand, however, the exhibitor sets a high value upon the "ballyhoo," and the reds and greens and blues of men assaulting women, and fighting on a stairway, or choking each other over a sofa back or the edge of a parlor table, stand out in all weathers for the amazement and, if possible, the captivation of passers-by.

As the title is often misleading so, in many cases, is the scene chosen for the poster condemnable on the same ground. It may be that in the entire course of the picture the characters appear in no such situation as is shown on the banner. If it have any place in the film it is probably a "high point," caught for the particular purpose of setting it out on the street.² Our social sense with reference to bill-boards and other advertisements, especially in our centres of civilization, will surely soon demand appropriate and effective regulation of the "movie" posters, as well as other matter of the kind which stares us in the face as we go about, busied with our tasks and pleasures. It is an abominable nuisance to be confronted by the representation of

¹ British Cinema Report, p. 18.

² The picture so sensationally advertised may be "as innocuous and as dull as a Sunday School tract."—*London Quarterly Review* for July, 1920, p. 179.

a nude or a half nude woman, or the view of a rape or a murder on paper at our street sides. If we have not come to the point of controlling such a matter on artistic grounds, we can invoke the law from the standpoint of moral order to rid ourselves of such parts of the picture man's paraphernalia for making money out of the public as does plain affront to our sense of decency.

CHAPTER IV

CHILDREN IN THE PICTURE HOUSE

IN a particular way we have been concerned about children. Women in their clubs, guided by their excellent instincts, which have been enforced by observations with reference to their own families, have occupied themselves with the discussion of the problem. And well may they do so in view of the devastations which the theatre has made in the habits and manners of our boys and girls. Here now for the first time are children generally brought into contact with the theatre. A few used to be taken by their parents to see selected plays. Hoodlums in cities would pack the galleries of "shows" which they thought they would enjoy. But here is theatrical entertainment at the very doors of the childhood of the country, urban and rustic, at a price which everyone can command. What a temptation it is to each one none knows so well as parents, teachers, officers of girls' rescue societies and of juvenile courts, who have the young directly under their observation. In small hamlets boys, who may lack the sum necessary to admit them to the hall, stand at the gates begging older persons, who are entering, for tickets that they also may go in.

Does anyone suppose, will anyone for a moment

seriously contend that this opening up of the theatre to the child—it would have been an unheard-of and an impossible proposal twenty-five years ago—has been without the most profound influence upon our civilization? I can think of nothing in the social development so revolutionary as this. I hear from intelligent mothers with responsible feelings in the North and the South and the West. I have faced them and spoken to them in a score of our American states. There is but one thought—that many of the difficult problems as to the upbringing of children and family management are ascribable to this amazing new condition.

We hear on all sides of us that the innocence and charm of young womanhood, the chivalry of young manhood are disappearing—that they have disappeared. Made familiar with one thing there is wish to see more. Thus do child and youth pass from one experience to another under the guidance of the picture maker and exhibitor until at manhood and womanhood it is each one's own want of the most rudimentary intelligence, if he or she is not in possession of complete knowledge in regard to every vileness in the world.¹ Our old standards and ideals have been encroached upon, little by little, until we are now completely submerged. Here we are at this moment with a great industry clamoring, and threatening us, and intimidating us, and

¹ Cf. the most interesting conclusions arrived at by Prof. Ernest W. Burgess of the University of Chicago after studying and analyzing replies to questionnaires covering over 400,000 school children in Chicago.—Report of Chicago Moving Picture Commission, pp. 20-23.

bribing us for continued right to go on its course without restraint, while we are considered old-fashioned, or worse, for suggesting that it may not be a discreet thing to put all our children to school in the theatre, and we seem scarcely to have the courage to utter self-evident truths as to one of the gravest matters having to do with the virtue, strength and perpetuity of our society.

And what a theatre it is to which our young have been introduced! There are few parents with ideals so low for their children that they would take one of them by the hand, lead it into the corners of our great cities, and show it drinking and drugging, prostitution, stealing and murder—few with feelings so embryonic or blunted that they would wish to give it a description of the daily life of some New York libertine or debauchée. A parent, as degenerate as any we know, would scarcely take one of his own boys or girls into a barroom, to say naught of worse resorts. There has been, and surely is now, some ingrained instinct, bound up with fatherhood and motherhood, which protects the child. Those who live in the most squalid surroundings have a hope of some better future for their sons and daughters. It is unnatural degradation, if there be no desire to give the child a fair, clean start on the road of life—to conceal evil from it, and to put it in the way of finding contact with good, that it may be inspired by and will emulate wholesome example. When we find parents in our back streets so dead to their responsibilities that they surround their children with vice by design, or from want of ability to keep

them away from such influences, we take these children out of their charge and commit them to public institutions. For a century and more, in all our Anglo-Saxon communities, we have had guardians of the poor, betterment houses, correctional institutions; in the past two or three decades their number has been vastly supplemented and increased in a variety of directions.

Yet here we now are freely setting before our children an unrestricted volume of pictured representation of every immorality in the world in the film theatre under the name of entertainment. Were a child to go with us into a drinking-room, or a dance hall, or an assignation house, or a "dope" joint, were we to show him a rape or a murder we should, perhaps, accompany the experience with some warning word. The advocates of eugenics for children rely, I presume, upon some verbal explanations to convey their important lessons. Precautionary descriptions might well go with the business of "slumming" in the company of a child. But in the picture house we have none of this. The sin is exploited insinuatingly for amusement. The real experience would be episodic. But the picture is a graphic story, clear and complete to the last detail, a hundred times easier to comprehend than reality. No instruction can be got from it; none is intended. If some suggestion of a moral lesson is to be found at the end of the story this is presented in such a way that it wholly escapes the child, if it should sink into the consciousness of older persons. To seductively illustrate the life of a moral reprobate for an hour, and then for

a minute say that such living is wrong will not excuse such a performance. It remains a gross offense as the crudest man, if he will but think about it, must realize.

Anyone acquainted with the conduct of a young child in the theatre knows for what he goes there—it is for the serial and the “comic,” while the growing boy and girl, from fourteen to fifteen onward, are drawn into the picture hall by the “sex rot.”

The serial is the American boy's delight. The mere announcement in red letters on the screen that the 11th Episode of “The Black Mystery,” or “The Yellow Stain,” is to be shown there on the following Friday will start an uproar violent enough to imperil the foundations of the building. As the reels are unwound the manager of the house will personally pass up and down the aisles, perhaps, to keep the ten and twelve year olds in order. The calling, and clapping, and stamping, indicate their pleasure as the “shocker,” made into a picture, unfolds its various turbulences. With the hero in the jaws of a crushing machine; or buried in the earth, his head protruding to be stung with vipers; or in any one of a hundred other situations, Demos, Jr., hair on end, crowds out of the doors and goes home, eager for the next chapter of this visualized crime story.

I speak only as a layman. Much of this kind of criminal delineation very likely defeats itself by its very improbability. It is so preposterous and so entirely illogical in a general way, barring details which may be so true as to be informational, that it may do no more, as I have heard men say in an attempt to defend

the serial, than stimulate the imagination. I, myself, after sitting under the influence of film of this class for years, pondering its character and measuring its effect, as well as I can, am definitely of the opinion that it is without this or any other kind of value whatever. The man who makes it, the actor who appears in it, loathes himself for it. The salesman who peddles it around to the theatre men, the very mechanic who runs it off on a machine, views it with the contempt which such a subject properly merits. It has no pretense of basis in art or literature—in life or even the pseudo-life of the screen. If one of the purposes of reading by youth and the drama for youth is the stimulation of the fancy, as it may indeed be—of this I do not know—why not stir the imagination with another stick—with honest deeds of derry instead of crime? Why not a tale of the Scottish border, full of the good excitement which Walter Scott could put into writing, or a sea tale of Mayne Reid's, or an Indian story of Cooper's, or some narrative founded upon the rich incident of the American Revolutionary War? Imagination can be awakened, interest can be arrested and held by a picture founded on the good adventure books which we have long had for juvenile reading. They feed and satisfy the boy mind in a proper way. The picture maker, instead of going to such a source, has turned instead to the "dime novel." He has taken the old "penny dreadful" and has made that the basis for his picture for boys.

I hear men say, from time to time, that they indulged in such reading in their youth and were not in-

jured by it. Their own lives are the proof of it. It can be doubted, however, whether they would recommend this regimen for their own children. They will remember, if they recall anything on the point, that a strong movement of protest, of national proportions, long ago put such juvenilia out of countenance, that much misconduct on the part of boys was justly laid at the door of such reading. But the ten-cent book packed with crime was a harmless thing compared with the ten-cent picture of the same thing. The book needs to be read tediously. The child must know the meaning of words. He must translate words into scenes. Here is training, mayhap, for the imagination. The picture, on the other hand, is swallowed like a sweet. It is gulped whole while the piano plays and other boys sit around laughing and shouting with joy at the same experience.

The film man wants but little Scott, or Mayne Reid, or Fenimore Cooper; he, I think, does not know how to use such material when he does adventure in this field. He is well assured that he can catch more youngsters with his crime trash than with plays founded on good stories from the juvenile libraries, and his scenario writers and directors have gutted the "yellow backs," and, indeed, as it seems to me, gone beyond their furthest ultimate as the years have passed, and he has been pressed for new material to set before the eager legions, whom we hire schoolmasters to civilize and whom he does his part, as assiduously as he can, to uncivilize.

What is the precise reaction of such entertainment

upon the ganglia of our young people may be left to the experts. By them, in so far as they have considered the subject at all, our impressions are confirmed. One says, for example, that it prevents children from becoming good students or good citizens. They are too "greatly stimulated" and give way to emotion. Another says we are "rearing a race of neurotic children," and this is largely because of our "moving picture thrillers." The "blood and thunder" stories "shock the delicate nerve centres of the young." The first experience "starts the vicious circle to work and the result is that the child craves more and more of these shockers." Still another says that all neurologists are of the opinion that the effect of the "movies" is bad, so far as children are concerned, and that they ought to be prohibited from attending the "shows."¹

I would not have it understood that I am an enemy of the "slap-stick" comedies. They have brought relief to the tired mind of many a man and a woman, and have delighted all children, even those so young that they can gain but the most inexact impressions as to the meaning of so much mad activity. Our demand concerning them is simply that they should be clean. We shall not stop to inquire whether they are patterns of elegance or of good taste, if they are cleared of their offensive allusions to sex, if the clowns, whether male or female, keep their clothes on, and the rollicking fun proceeds without the nastiness that all right thinking people can recognize and children may imitate. Chap-

¹ Report of Chicago Moving Picture Commission, pp. 16-17.

lin, since he has directed his own pictures, has succeeded, for the most part, in observing proper rules of conduct and is proving to us that his inimitable contributions to the mirth of the screen will meet with just as much appreciation, when his action is nice, as when it was confused with indecency. These are lessons which some of his competitors are learning also. At this moment there is less reason for a feeling of disquietude as to the character of screen comedy than ever before, if we shall bar the prevailing tendency to exhibit the voluptuous forms of young women in the scantiest of bathing tights. But soon every reaction which a picture-house audience can receive from the breech clout will have been experienced, and the producers will be under the necessity of going out into some yet unexplored field, if there be any, to open the eyes of the groundlings.

It has never been an easy task to decide what kind of reading should be put before the boy and the girl. It is threshing this question all over again to determine what sort of a picture should be shown to a child. But it is certain that some rules should be mutually agreed upon. Fiction used to be, and is yet, carefully chosen for the youth of properly brought up families. Wherefore, then, should we not have a care as to the choice of their pictures?

Efforts are frequently made by club women to induce exhibitors to arrange unexceptionable programs in "neighborhood houses." The managers of "family theatres" have been asked to devote one afternoon a week, perhaps, to the showing of pictures which par-

ents would like their children to see. It is a worthy enthusiasm, though some, I feel certain, have come away from the experience in discouragement. They have found, as we censors very well know, that there is not much film good for children, which, at the same time, is entertaining to children. Like the commendable movement to show motion pictures in churches and schools the children's program in the theatre has suffered for want of an adequate supply.

In the main it must be concluded that, up to this time, the producer has paid almost no attention to the young as a particular class. A few pictures with their needs in mind have been made, but they have been distributed with only indifferent success. Two or three founded upon stories from the "Arabian Nights," an occasional fairy story, the recent rather notable film versions of "Little Women," "Treasure Island" and "Huckleberry Finn," may be had from the agencies of the companies owning the master negatives. But there is little enough of this material. To make pictures for a limited purpose in competition with the pictures which are intended for the general markets of the world is not attractive. It is philanthropy while the other thing is business, which under acute, and often not too scrupulous direction, may be immensely profitable. Anyhow a very large portion of the film output, as it now stands, is pitched to the intelligence of the child, as such, or the child of larger growth, and, realizing this, no heed has been taken of a demand for a special body of juvenilia.

Moreover, the conditions under which picture film is

shown are such that parents have no guarantee that their children will be safeguarded, though they may be in possession, as they think, of a foreknowledge of the program. The "feature" will be announced and it may be liked. But "Treasure Island," or "Little Women," will, in all probability, be preceded or followed by some comedy or "serial chapter" of a very objectionable character about which nothing was said.¹ Time and again disappointment has been registered on this ground, and, altogether, our women's clubs and parents' leagues, whatever their names, have reached the conclusion, perhaps, that they are like the old lady with a broom who would sweep back the Atlantic Ocean.

You have about given up the idea of achieving anything by moral suasion. The exhibitor, the only factor in the theatrical system with whom you come in contact, is himself not always a free agent. He is often far from the market and he must receive and use what comes to him in the tin box on the train in the morning, if he is to have a "show" at all, and send it away on its circuit to another exhibitor for use on the following night. He may have ordered the picture without seeing it, from a limited number of offerings. Something "just as good" was sent him, perhaps, instead of what he had asked for, to answer the convenience of the leasing house, and you, in your community, two hundred miles away from the centre of distribution, have felt your helplessness.

The sophistry used to excuse the picture man but ag-

¹ Cf. *British Cinema Report*, p. xxiv.

gravates his offense. Making rules for film which apply to the needs of the child, an objector says, will bring all pictures to a point where they will be uninteresting to adults. This is a familiar argument. Repeatedly I have been confronted with the charge that this was my purpose when I have spoken of improving the character of film, and it is presented as if it were an unanswerable point in the controversy. It need give no one the least concern. It would be impossible to very greatly change the course of the industry in this direction, if anyone really proposed to do so. Surely none wishes to bring the picture house to such an end. The film theatre to-day, as I have indicated, is attractive enough to the child, as any producer, or distributor, or exhibitor very well understands, for him to feel any concern about this question from whatever standpoint it shall be viewed.

To escape with as much of his booty as he can the picture man usually agrees, when he is pressed for some admission of wrong, that a part of his product may be injurious to the young.¹ He is willing, therefore, so he says, to have it classified. He will serve the child and the adult separately. It is with this idea in view that there are special licenses in England for what the trade calls "strong" pictures. Out of this theory grew the system in use for some years in Chicago of issuing "pink permits" (pink because of the color of the license slip) to "shows" dealing with fornication, adultery and similar topics. The managers of the theatres might then hang out signs stating that no

¹ Report of Chicago Moving Picture Commission, p. 18.

one under twenty-one years of age would be admitted to look at the film.

Making such a distinction and advertising it has but one effect. It draws public attention to a meretricious picture, and, unless the device is employed so frequently as no longer to arrest notice, it fills the house with people of prurient tastes.

"The child mind is intensely inquisitive," says an English educational authority in stating his objections to a differentiation between shows "for adults only" and those for children, and "when such distinctions are established the boy is very anxious, indeed, to see what his big brother may see, but from which he himself is excluded. It predisposes the mind of the child to look forward with a nasty expectancy to those exhibitions to which he is for the time denied."¹

Moreover, children still are not excluded. Even if an exhibitor desired to act honestly he could not tell whether a girl or a young man who came to his ticket window was twenty-one, or only twenty or eighteen.² Nor can such provisions be better enforced in England. Speaking of the pictures dealing with sex disease, T. P. O'Connor says:

"We have not allowed such films to pass; not that my colleagues and I do not think that the knowledge and the warnings of these films are either undesirable or unnecessary, but because they are unsuited for the particular kinds of audiences which fill our cinema theatres. They are crowded with young people, and

¹ British Cinema Report, p. 285.

² Report of Chicago Commission, pp. 3, 31.

the working class mother who does not keep a servant must necessarily bring her children along with her, especially if they are too young to take care of themselves. No precaution we could recommend to exclude young girls and young children could possibly be carried out.”¹

Plainly the “show” branded in this way, as of interest to degenerate adults only, has exerted a demoralizing influence in Chicago, where the principle has been tested thoroughly, and it has been a standing reflection upon the industry. No progress in the solution of the problem is to be made by going out farther along this line.

A better plan is wholly to prohibit children from entering the picture hall except in the company of a parent, teacher, guardian, or other adult interested in its welfare, as is sometimes specified by law. Or, going farther, to arrange and authorize, under the direction of the board of control, as in Quebec, special children’s programs, which the exhibitor may use on “Children’s Days.”

The plans of the “film reformers” in this country, so far as they have yet been formulated, contemplate no specific recommendations with reference to the young. The demand is merely for a general observance of obviously proper rules as to the entertainment offered to everyone.

Again, we are told that the people have the subject in their own hands. It is purely a question of supply

¹ Mr. O’Connor’s correspondence from London to *Philadelphia Public Ledger*, in issue of Feb. 8, 1920.

and demand. If you wish to register your protest against an evil film do not visit the theatre which shows it. It is clear that a bad picture would not be made, unless there was a conviction on the part of those who have been responsible for its making that it would enjoy profitable circulation. Of what use is it to scold a bad newspaper, if you buy it and read it? Or a magazine which prints morbid, indecent and scurrilous writing, if you take it from the news-stand so that it may flourish and continue to appear? Or to berate the bedroom and bathroom play, and the nasty vaudeville show, if you are seen in the audience laughing at their obscenities? So it is with a picture. It will do no one harm if its indecencies are unwound to empty seats. In that event it will never come to your town again, you may be sure. If other towns do as you have done the producer next time will make a better picture.

This is true, obviously. But we all know that for one person with a responsible social sense, in a community, there are twenty or fifty who have none. This one will lose his moral discernment and courage very probably when he looks around him and realizes how he is overborne. He himself may be contaminated by much familiarity with the impish forces which he started out to measure swords with and to destroy.

Then what shall be done? The course which we all have in mind is plain—the enactment of laws to control picture production and exhibition. The women in a club, or the leaders in a neighborhood generally, may or may not be culpable in going to witness bad

pictures. We may hope that they are not, that they do not permit their children to visit the exhibition of film of prurient and salacious appeal, and that they in all ways set a salutary example in their various communities.

Such considerations may be put aside. They are not worth stopping with. We know that the more intelligent, the better informed and the quicker of conscience have a duty toward their laggard fellow men. Can we presume that those who have ideals in reference to the orderly progress of the world will stand by idly while others who have none shape our systems of life? The pupil who does not like arithmetic, or Miss Jones put there to teach it to him, will not be permitted to break up the school. Everywhere except in Bolshevia, the boy or the girl, even the man or the woman, who likes this or that thing, if good opinion holds it to be contrary to public policy, may not have that thing. So much was determined long ago and it is a principle lying at the foundation of organized society.

We are beginning to teach the immigrant from Europe as soon as he boards a steamship for departure to our shores. We receive him with the school book. He—man or woman—will one day be a citizen, even as you and I. He or she will have the same vote for Mayor of Boston or New York, for Governor of Pennsylvania, for President of the United States as the man or woman descended from the oldest stock out of Puritan New England or Quaker Philadelphia. We tax ourselves to give soup to the child who comes

to school hungry, so that he may be fit to receive impressions from the teacher, brush his teeth, comb his tousled head, tell him that alcohol is a poison and of British tyranny. Would it be going far beyond the limits of our social responsibility, if we were to make some general ruling as to what might be shown to children in a picture house? Enough guidance, one could suppose, might be given the subject to keep the child in the alley, who is without wise parental care, from falling under worse influences in this respect than the child of the well-ordered American family, who is controlled at home as to his visits to the theatre. If it be not good for one to live amid vice and crime for amusement it will be quite as bad for the great lower orders of society to feed *ad libitum* upon what commercial interests prepare for them, and, with so many insinuating devices, invite them to enjoy each afternoon, each night of each day everywhere. It is not a task to be performed philanthropically; it would seem to have become a great public responsibility, if we would keep our institutions in conformity one with another, and are not to throw away in one place what we have taken the trouble to gain in another.

CHAPTER V

THE JUDGMENT OF THE WORLD

THE part which moral suasion has played in the improvement of the picture output may be larger than it yet has been, when public sentiment shall be better organized and its force shall make itself felt by a neglect in the theatre of offensive film. To me such a solution of the problem seems chimerical. A discussion of reform, without the power to effect it by prohibitive legal measures, is purely academic. It leads no whither, except around to the point at which we began, viz., that much film is wrongly contrived and is hurtful in its influence, and that it ought to be banned. "Please, Mr. Producer, whoever and wherever you may be, make better pictures. We wish you to do so for our sakes."

No practical man will consume his days in so futile an exercise of his voice and pen. He will pass a law and put the subject into the hands of officers whose duty it shall be to supervise the picture output in the interest of public order. For some years we have led other countries in the production of film. Ninety per cent. of all that is shown in the British Isles is, or was, a little while ago, of American origin;¹ nearly all that goes into Canada comes from our studios in southern California or New York. Considerably more than

¹ British Cinema Report, pp. xxxi, 15, 54, 55.

half of what is shown in Japan, Australia, New Zealand, the Continent of Europe and Latin America bears the trade-marks of our film makers. Year after year the world has looked at it and the conviction that it needs to be expurgated, that parts of the whole supply should be cut out and suppressed has grown. We ourselves have passed laws calling for its inspection in only five states—Pennsylvania, Ohio, Maryland, Kansas, and lately New York¹—and in one large city, Chicago, where our boards of control have been fighting for their lives in the welter of American politics. It has gone scot free in the other states of the Union (barring the little which may have been done by some local communities in those states). But the peoples of other countries, viewing the same film, have determined that they will receive and circulate the material no longer, unless it shall answer requirements, founded upon reason, which shall be set up with reference to the common weal. The rules which T. P. O'Connor and the examiners of the British Board of Film Censors have made for the governance of their action, those which must be heeded in Ontario, Quebec and all the provinces of Canada, in Australasia, in India, Japan, Scandinavia and other lands are proofs of a social conscience which the picture offender has awakened, as he has visited his product upon all creation.

¹ The law in Massachusetts awaits a vote of the people in a referendum. No account is taken of Florida which enacted a futile law in 1921 creating a board to see that the orders of the industry's National Board of Review were respected in that state.

Only one practical plan of dealing with the subject has been devised and this contemplates preview—an inspection of the picture before it shall be put into circulation. If it shall be found to be unoffending it receives a certificate or a license; a tag or a seal, which all may see as it is run off, is placed upon it, indicating that it has been passed by the supervisory body. If it shall need excisions or changes before it may be released certification is withheld until such alterations have been completed, when record is made in the board's offices of the limited form in which it has been approved. If it shall be rejected it is thrown into the discard, in so far as the district over which the board has jurisdiction may be concerned. It is good for circulation only in unprotected outside territory.

In general the review of pictures for certification by legally established boards is aimed at their condemnation and the excision of parts and captions on four grounds:

- (1) Their obscenity, indecency and inhumanity.
- (2) Their sacrilegious character.
- (3) Their tendency to present crime in an informative way.
- (4) Their incitement to riot and attacks upon public order.

In Germany the public censorship of the moving picture was abolished in November, 1918. Liberty became license. The "Enlightenment Film" swept the country. Its "bare-faced and shameless appeals" disgusted the people. The producers, not a few of them American, were dragging the nation into a mire of

film, said speakers in Berlin and other places at meetings called for protest. They were raking up all the scandals of history for use as picture plots. Such film as was to be seen would have scored great runs in Sodom and Gomorrah, and so on.

In view of the conditions which prevailed freedom for film in Germany lasted just about one year. The way to put an end to the scandal was indicated when the National Assembly inserted in the new constitution a clause abolishing censorship, except with reference to motion pictures. Here control was necessary and would be reestablished for the public good.

The government drafted and published a bill providing for the appointment of two boards of censors, at Berlin and Munich, the two centres of the German film industry. The members of these boards, it is specified, shall be government officials, together with artists, literary men, educators and social welfare workers, an arrangement designed to meet the popular demand that the censorship be not placed in the hands of the police, for whom there is well-grounded distrust in such matters.¹

The British Board of Film Censors is unfortunately a voluntary body. It was established by the trade which had "the foresight and the audacity to stave off a state censorship by setting up one of its own,"² as early as in 1913.³ It is supported by good traditions and its limitations are not felt so much in making its

¹ Berlin correspondence of *New York Tribune*, Feb. 4, 1920.

² *London Quarterly Review* for July, 1920, p. 180.

³ British Cinema Report, p. lxxx.

orders as in the want of power to secure their enforcement. Such as do not care to submit their films to the Board need not do so, as has lately been evidenced by the disregard of its admonitions on the subject of sex disease pictures. Clearly a censorship, to be useful, must have "all the King's horses and men behind it." One which is "only maintained to do the bidding of the business it is supposed to control," and which, "when it develops a conscience, can be defied at will" can claim but little serious attention.¹ But the British Board has acted with so much intelligence and honesty, and with so much independence in formulating and stating the reasons for oversight of the picture that its records are the severest indictment of the moral quality of American film.

For one year, 1915, twenty-two subjects were entirely condemned, 214 were more or less extensively changed, and 372 were passed for showing only to restricted audiences. In the following year, 1916, twenty-five subjects were condemned, while excisions were ordered in 502, and 904 were approved for adults only. In 1919 there were twenty-eight complete rejections, while 253 were cut and 829 were passed for restricted showings.²

The British Board of Film Censors condemns:

Indecorous, ambiguous and irreverent titles and subtitles.

¹ *London Quarterly Review* for July, 1920, p. 185.

² Annual Reports of British Board for 1915 and 1919, and British Cinema Report, p. 214. The British Board did not print reports for the years covered by the war.

- Cruelty to animals.
- Drunken scenes carried to excess.
- The *modus operandi* of criminals.
- Cruelty to young infants, and excessive cruelty to and torture of adults, especially women.
- Unnecessary exhibition of women's underclothing.
- Profuse bleeding.
- Nude figures.
- Offensive vulgarity and impropriety in conduct and dress.
- Indecorous dancing.
- Excessively passionate love scenes.
- Improper bathing scenes.
- Scenes tending to disparage public characters and institutions.
- Realistic horrors of warfare.
- Scenes and incidents in war calculated to afford information to the enemy.
- Scenes in which the king and officers in uniform are seen in an odious light.
- Gruesome murders and strangulation scenes.
- Executions.
- Vitriol throwing.
- The use of drugs, *e. g.*, opium, morphine, cocaine, etc.
- Subjects dealing with the white slave traffic.
- Subjects dealing with the deliberate seduction of girls.
- "First night" scenes.
- Indelicate sexual situations.
- Situations accentuating delicate marital relations.

- Views of men and women in bed together.
- Illicit sexual relationships.
- Prostitution and procuration.
- Disparagement of the institution of marriage.
- Misrepresentation of police methods.
- Surgical operations.
- Commitment of crime by children.
- Criminal poisoning by dissemination of germs.
- Practice of the third degree by the police.
- Branding men and animals.
- Women fighting with knives.
- Exaltation of doubtful characters as heroes.
- Making the sacrifice of a woman's virtue laudable.
- Infidelity on part of a husband justifying adultery of wife.
- Confinement and puerperal pains.
- Views of dead bodies.
- Subjects in which sympathy is enlisted for criminals.
- Animals gnawing men, women and children.
- Realistic scenes of epilepsy.
- Insistence upon the inferiority of colored races.
- Advocacy of the doctrine of free love.
- Salacious wit.
- The perpetration of criminal assaults on women.
- Scenes depicting the effect of venereal diseases, inherited or acquired.
- Incidents suggestive of incestuous relations.
- Themes and references to "race suicide."
- Scenes laid in disorderly houses.
- Materialization of the conventional figure of Christ.¹

¹ Reports of 1915 and 1919.

Since 1916 France has had a commission of five members to examine and control the exhibition of film. Unless it be accompanied by a certificate which they have issued no picture may be shown in any theatre of the country. So long ago as in 1913 the prefects of the departments were authorized to prohibit "les représentations, par les cinématographes, des crimes, exécutions capitales et d'une façon générale de toutes scènes à caractère immoral et scandaleux."¹

In Italy all pictures must be licensed before they are shown. They are inspected and censored prior to certification with a view to preventing the exhibition—

"(a) Of pictures offending against morals, good manners, public decency and private persons.

"(b) Of spectacles injurious to the national fame and self-respect, or against the public order, or likely to disturb our good relations with foreign powers.

"(c) Of such as would lessen the name and fame of public institutions and authorities, or of the officers and agents of the law.

"(d) Of scenes of violence, horror and cruelty, even where animals rather than human beings are concerned, or of crimes and suicides realistically reproduced; and in general of scenes representing perverse actions or facts which would be incentives to crime, or be calculated to unsettle the mind and provoke to evil."

The whole subject is under the control of the Minister of the Interior in Rome.²

In Spain likewise the screen is subject to legal reg-

¹ British Cinema Report, p. 313.

² *Ibid.*, pp. 315-6.

ulation. "The extraordinary development experienced by the display of cinematograph films in public halls over all the world," writes the Spanish Ministry of State under date of February 7, 1917, "has caused educational scientists and hygienists to inquire into the considerable influence which these pictures may have on the public, and especially the young public, which is so impressionable and predisposed to imitate the criminal and immoral acts which the greed of gain prompts certain film manufacturers to reproduce by means of photography, thus contributing, no doubt unwittingly, to the rise of grave social and private dangers. In different European countries these motives have been invoked for the adoption of a vigilant censorship and stern measures of repression, since it was in many cases established that criminal acts had been committed by children and youths under the suggestion of police scenes and terroristic displays, which invariably produce psychic disturbances; it was considered also indispensable to repress all immoral or pernicious tendency, due to pictures that generally enjoy preference in display, as well as to foment the educative and instructive influence which the cinematograph is able to exert on the crowd. . . .

"In these moments when congresses and scientific meetings are being held . . . the opportunity would seem a favorable one for all of us to try . . . to prevent children from . . . having daily reflected before them the image of lust, passion or crime, a spectacle that may exert lifelong deplorable consequences of a moral and pathological nature

on the delicate organism of the child. These displays should be, as they were in their beginning, an element of culture and honest recreation, showing the real scenes of natural life, the marvels of geography, great scientific or industrial undertakings, pictures of normal and sane life, views of charitable and educational institutions, and whatever scenes of an historical and moralizing nature may stimulate to good actions, and which exalt the love of country and of home, and extol the heroism of sacrifice for the welfare of humanity, instead of giving the appearance of reality to fantastic, tragic, comic, terrifying or disturbing scenes."

On these accounts the king in 1912 decreed "that the titles and subject matter of all films offered to the public by any theatrical undertaking should be submitted to the civil government offices and municipal secretaries in due time before they are to be shown for verification as to whether they are free of all pernicious tendencies." Infringements of law were made punishable by fine.¹

In Sweden the censors appointed by the Crown may not approve "cinematograph pictures, the exhibition of which would be contrary to law or morality, or might otherwise have a demoralizing or excitative effect, or be subversive of morality. Pictures representing scenes of terror, suicide or crimes in such a manner, or in such a context that such effect may be produced may thus not be approved."²

In New Zealand the censor shall not approve film

¹ British Cinema Report, pp. 318-20.

² *Ibid.*, p. 328.

which in his opinion "depicts any matter that is against public order and decency, or the exhibition of which for any other reason he may think undesirable in the public interest."¹

In Australia it is provided that "no film shall be registered which in the opinion of a censor—

(a) is blasphemous, indecent or obscene;

(b) is likely to be injurious to morality;

(c) is likely to be offensive to the people of any friendly nation;

(d) depicts any matter, the exhibition of which is undesirable in the public interest."

The Australian censors will condemn:

Indecent, suggestive or insufficient dress.

Embraces overstepping the limits of affection, or which would be contrary to propriety in ordinary life.

Nude figures.

Positions of the actors which are suggestive of sexual passion or desire.

Scenes which might be offensive to the religious feeling of any class of the community.

Scenes which might be thought subversive of morality or virtue.

Scenes which might be morally harmful, especially to the young of both sexes.

Scenes which might seem to encourage or appear to view with indifference breaches of the law or perpetration of crime.

Scenes of brutal cruelty or violence.

Scenes from which the inference could be drawn

¹ British Cinema Report, p. 320.

that offenses against those laws, or rules, or recognized codes which govern the regulations of the sexes, in married and single life, are matters to overlook or treat lightly.

Like views of what is improper to be shown in film actuate the authorities in Japan for they forbid:

What may possibly incite to disorder and affect the prestige of the nation.

What may discredit public characters.

What may unfavorably affect the relations of Japan with other countries.

What may discourage public education or the pursuit of lawful business, or shall be calculated to make the people frivolous or brutal.

What may stimulate children to mischievous sport.

What suggestively sets forth the ways and means of committing crime, and methods of covering it up to avoid the discovery of it and its proper punishment.

What depicts excessive cruelty and atrocity, and scenes and stories depicting obscenity and sensuality in the relations between men and women.

What runs counter to the laws of morality and contradicts the principle that "Good brings its own reward and evil its own punishment."

What in addition, be its character what it may, shall be held to affect "public safety, public morals and public health."¹

A reference to the lists of pictures barred from Quebec, Ontario, and the principal provinces of

¹ Information furnished me by T. Tachibana, Film Censor of Japan.

Canada, issued week by week, indicate the opinion entertained in the Dominion of much of the film which they receive from this country, and their reasons for their unfavorable judgments of it.

In Quebec the authorities have recently condemned:

"The Woman Michael Married" as "suggestive."

"Man's Desire" as dealing with murder.

"Bramble Bush" as "too suggestive."

"Jacques of the Silver North" as "too rough," containing murders, a fake marriage and cabaret scenes.

"Tempest Cody Hits the Trail" as dealing with "Wild West gun work and cowboy tactics."

"Wolf" as "immoral and bad."

"The Thirteenth Chair" on account of the infidelity of a wife, being "rough throughout."

In Ontario the board condemned:

"The Dwelling Place of Light" as "immoral and suggestive."

"The Stealers" because an objectionable part is taken by a minister of the church.

"Scented Romance" because of its "low tone."

"The Price of Redemption" as a "story making a blackguard of a British officer," dealing with political affairs in India in an "unwarranted" way, and furthermore with seduction, making it "immoral."

"For Heaven's Sake" as a "burlesque on eternal things—Heaven and hell."

"Sex" as a "story of unfaithful husbands," suggestive and full of immorality and debauchery.

"His Own Law" as dealing with immorality and

seduction and giving an utterly wrong view of life, with attacks on the sacredness of marriage.

"The Trouble Hunter" as a "very rough" story and burlesquing the Salvation Army.

"Edenville" as a burlesque on the creation of Adam and Eve.

"The Truth About Husbands" as an "unwholesome, sensational sex play."

"Wet and Warmer" as "indecent, coarse and suggestive."

"The Forbidden Thing" as containing "immoral scenes in a house of ill fame" with views of "fallen women and immorality."

"Number Seventeen" as containing "gun play, underworld scenes and torture."

British Columbia condemned:

"Parlor, Bedroom and Bath" as "very immoral and suggestive."

"Mr. Wu" as a portrayal of "seduction, murder and attempted rape."

"The Deep Purple" as "very criminal and immoral."

"Hearts in Hock" as "very vulgar."

"The Darkening Trail" because of its portrayal of "cruelty and infidelity."

"The Hula Hula Dance" as "grossly vulgar."

In Alberta the censors condemned:

"In the Heart of a Fool" as a "most unwholesome story and immoral in the extreme."

"The Devil's Garden" as "a very unwholesome story—immoral and suggestive throughout."

“Fantomas,” Episodes 1–7 as “brutal and criminal, featuring crime in all its forms and glorifying a genius in crime.”

CHAPTER VI

AMERICAN CENSOR BOARDS

IN view of the courses which are followed in other countries it cannot have surprised our film manufacturers that bills proposing laws similar to those already on the statute books of five of the American states came before some twenty-five or thirty legislatures last year; it should not surprise them when such measures appear in the legislative bodies of these same states and in other legislatures next year and thereafter, if necessary, until erring interests in the industry are effectively admonished to the public advantage.

The work of censoring pictures in this country began in the local community. Chicago is the pioneer, the experience of that city with the subject having begun in 1907.¹ The duty of issuing permits was entrusted to the Superintendent of Police. By further legislation of the City Council the matter after 1912 came under the competent direction of a deputy, whose determined course in combatting the sordid and corrupt forces which aim to block the course of regulation, entitles him to a memorable place in the history of the development of this branch of social service.

The ordinance provided for the rejection of only what was "immoral or obscene," and there was appeal from decisions of the chief of police to the mayor.

¹ The ordinance was passed on November 4, and became effective on November 19, 1907.

As a matter of fact, in practice, the scope of the provision has been extended. The Chicago examiners have done a particularly commendable service in cutting criminal matter from picture film with a view to supplementing the activity of the Police Department under whose auspices and with whose guidance they proceed, though they have come to occupy a semi-independent position and pursue a quasi-independent course. The inspection of the film, fortunately, is not made by the members of the police force. Special officers, several of them women, chosen under civil service rules, are in direct contact with the responsible duties to be performed.¹ The Chicago board in 1919 examined more than 8,000,000 feet of film, rejecting 70 pictures and eliminating 110,834 feet from pictures which were passed.²

That the city might be better served in this particular by a board, acting quite apart from the Police Department, has been the view of many persons, including a commission of men and women, especially appointed to conduct an inquiry into the subject, and lately an ordinance establishing a separate "Department of Motion Pictures" was proposed, and is still pending in the City Council. They ask that the duty shall be transferred to a board of three members,—an educator, a business man and a social service worker, at least one of the three being a woman.³

¹ Report of Chicago Moving Picture Commission, p. 5.

² *Ibid.*, p. 7.

³ Text of proposed ordinance in *ibid.*, pp. 34-7; cf. "Motion Picture Laws, Ordinances and Regulations" by L. H. Cannon, Bulletin St. Louis Public Library, July, 1920.

Following Chicago's example censors or boards of censors were provided for by local authority in several other cities, as in San Francisco, Kansas City, Portland, Oregon; Los Angeles, Seattle, Detroit, Dallas, Texas; Camden, N. J., and Joplin, Mo. In some cases, through various influences, the service has been abandoned, in others the ordinances are practically a dead letter. Only in Chicago and in two or three smaller cities is the control sincere and effective.

The reason is not far to seek. Except in a large city like Chicago surveillance which may mean any considerable change in the film offered for inspection is not very feasible. The conditions under which the films are changed daily, with movement at all possible speed from place to place, go far to preclude the development of any local system of supervision.¹ The machinery for the enforcement of the orders of the controlling power is not at hand. The effort seems nearly futile to the local officers entrusted with such tasks, especially as they must usually perform their unpleasant duties without compensation and receive but sparing appreciation. The territorial unit is too small. It is to the interest of the industry, as well as for the advantage of the municipal authorities that censorship over a large central area shall be established, and that this censorship shall command so much confidence that the exercise of the right in local communities will become increasingly unnecessary,² and we look to the state as the jurisdiction in which control

¹ British Cinema Report, p. lxxxv.

² Cf. *ibid.*, p. xc.

may become practicable and efficient. Our lessons are gained from a study of the experience in Ohio, Pennsylvania, Kansas and Maryland.

A law was passed in Pennsylvania, as early as in 1911, creating a board of censors composed of two members,—a “chief censor” who was to be a man, and an “assistant censor” who was to be a woman.¹ But as no appropriation of money was made for carrying forward the work organization was delayed until 1913. The measure was considered to be inadequate and defective and in 1915 a new act was passed, putting the subject into the hands of a board of three persons, two men and a woman,² under whose direction rather notable and widely known results have been achieved.

Meanwhile Kansas, in March, 1913, had enacted a law establishing a censorship by preview under the oversight of the State Superintendent of Public Instruction,³ while in the following month, in April, 1913, the Ohio legislature passed its law committing the subject to a board of three members to act “under the authority and supervision” of the Industrial Commission of the state.⁴ Maryland in 1916 created a board, similarly composed of three members, to inspect film in that state.⁵ Kansas, needing a better act, in 1917, patterned its system after Pennsylvania’s and

¹ Pennsylvania Session Laws for 1911, pp. 1067-9.

² *Ibid.*, for 1915, pp. 534-40; cf. *ibid.* for 1919, p. 475.

³ Session Laws of Kansas for 1913, pp. 504-5.

⁴ Session Laws of Ohio for 1913, pp. 399-401; cf. *ibid.* for 1919, p. 702.

⁵ Session Laws of Maryland for 1916, pp. 411-6; cf. *ibid.* for 1918, pp. 747-8.

Maryland's, giving the subject into the care of a board.¹

New York, by reason of the personal interest of its Governor in the subject, enacted a law in 1921, after a similar measure passed by a previous legislature had been vetoed by a previous Governor. The legislature of Massachusetts also passed a law in 1921, to take the place of one which had been vetoed by the Governor in 1920, to meet enough signatures of citizens, collected by the picture industry, to prevent its coming into effect until after its submission to a vote of the people in a referendum, authorized, in such a case, by the state constitution.

The state boards are self-sustaining. A charge is made the producer or distributor who wishes to circulate a picture within the borders of the commonwealth for the examination of his film, which comes wound upon spools or reels, each containing about 1,000 feet. The fee in Ohio is \$1 a reel; in Pennsylvania \$2, since 1918 (earlier it was \$1 and still earlier \$2.50); in Kansas and Massachusetts \$2; in New York \$3 for the original print and \$2 for each duplicate print; in Maryland \$2 for the original and \$1 for each duplicate. Thus, in Maryland, if three copies of a subject are needed for simultaneous use in the state, the first will pay at the rate of \$2, the other two at the rate of \$1 a reel, while in Pennsylvania there will be a uniform charge for all of \$2 a reel. In this way in a large state like Pennsylvania an annual income of nearly \$100,000 is secured, ample to main-

¹ Session Laws of Kansas for 1917, pp. 452-5.

tain projection rooms and offices, to hire examiners, inspectors and clerks and to administer the law. A censorship bureau, therefore, need be no charge upon the taxpayers; its revenue may likely exceed the expense of operating it. All the boards in the United States meet their own costs.

Preview requires a projection room to which all the film must be sent for examination. This is established in a city which is as convenient as may be to the film distribution agencies,—in Pennsylvania at Philadelphia, in Maryland at Baltimore, in Kansas at Kansas City, Kan., in proximity to Kansas City, Mo., where the “exchanges” are located, in Ohio at Columbus. The largest of all the projection halls is that in Pennsylvania, where the auditorium of, an old church has been fitted up for the work. Six screens are laid on a long wall, side by side, and six machines throw the pictures across the room. Inspection four or five years ago was at the rate of from 16,000,000 to 20,000,000 feet annually.¹ But, with changes in the industry, due to the elimination of smaller picture houses and the reduction of their whole number, the substitution of long for short pictures and the use of “feature” programs, which oftentimes now in the principal theatres in large cities will be shown for a week or more continuously, the output has diminished. The amount of film to be viewed in a year has fallen to 10,000,000 or 12,000,000 feet.

It is to this projection room, wherever in the state it may be, that the picture distributor must direct his

¹ This total covered some duplications.

film. Messengers, parcel post carriers, express companies deliver the reels in their tin boxes, application is made for examination, the fee is paid and, inside of a few hours, or a day or two, the film is run off for the judgment of the examiner.

The state boards in Ohio, Pennsylvania and Maryland are called "boards of censors." The board in Kansas answers to the name of a "board of review." New York has a "motion picture commission." Each of the boards, including the commission, is composed of three members. The law in Pennsylvania requires that one of the number shall be a woman. By courtesy and in the interest of conscientious service a woman has always been named to sit upon the boards in Ohio and Maryland. The example has been wisely followed by the Governor of New York. In Kansas, for a time, all three members were women; now two of the number are women. In Massachusetts, to meet local requirements, the work of examining and licensing films is to be a part of the general public duty of the "commissioner of public safety" of the state who will have the power to appoint a "deputy" to give direct supervision to the new branch of service.

The standards to be applied by the boards in reaching their decisions are based upon definite provisions contained in the various acts. In Ohio "only such films as are, in the judgment and discretion of the board, of a moral, educational, or amusing and harmless character" are to be passed.

In Kansas, by the law of 1913, the State Superintendent of Instruction was to approve "such films as

he should find to be moral and instructive, and to withhold his approval from such as tend to debase or corrupt the morals." Again it was provided that he should approve the "moral and proper," and disapprove the "sacrilegious, obscene, indecent or immoral." The Board of Review, when it was established in 1917, was instructed to pass the "moral and proper" and reject such films as are "cruel, obscene, indecent or immoral, or such as tend to debase or corrupt morals."

Maryland also approves the "moral and proper" and disapproves such films as are "sacrilegious, obscene, indecent or immoral, or such as tend in the judgment of the board to debase or corrupt morals."

The statute under which the board in Pennsylvania is organized requires it to reject what, in its judgment, is "sacrilegious, obscene or immoral," what, as is said farther on in the text, may tend "to debase or corrupt morals." It shall approve what is "moral and proper," disapprove what is "immoral and improper."

The New York commission is to reject what is "obscene, indecent, immoral, inhuman, sacrilegious, or is of such a character, that its exhibition would tend to corrupt morals or incite to crime"; the commissioner in Massachusetts, what is "obscene, indecent, immoral, inhuman," or shall "tend to debase or corrupt morals or incite to crime."

Kansas, Pennsylvania, Maryland and New York extend their control to the banners and other paper used to advertise the picture, an exercise of authority in some respects "more necessary" than the censorship

of the film.¹ The provision in the new law in New York is commendably specific on this point.

The American boards have reviewed identically the same film as has come under the observation of the examiners in England, and they have reached like general conclusions as to its present ethical tone and moral condition. All of the censors who possess experience, and, therefore, have knowledge of the subject act, if in different ways, with a common purpose. The Pennsylvania, like the British board, has tried to give articulate form to what it has seen and felt. It has printed a code of rules and standards for its judgments, which are based upon its extended service in the inspection of film and a comparative study of the reports of other reviewing boards. The censors in Pennsylvania disapprove:

Pandering, procuration, prostitution, white slavery and views of strumpets and houses of ill fame.

The seduction of women, especially the betrayal of young girls and assaults upon them with immoral intent.

Prenatal and childbed scenes.

Stories and scenes having to do with the use of habit-forming drugs.

Gruesome and unduly distressing scenes, agonies of the dying, etc.

Hangings and other executions.

Knifing and direct shooting in the moving picture murders.

Nudity.

¹ British Cinema Report, p. lxxxvi.

Abortion, malpractice and "birth control."

The holding up to ridicule of races, classes and religions.

The light treatment of the church and other sacred subjects.

Fornication and adultery.

Honeymoon scenes in which the consummation of marriage is discussed.

The use of profane and objectionable language in titles or subtitles.

Gross and offensive drunkenness.

Gun play and vicious and prolonged fighting.

Stories set wholly or largely in the underworld where the whole theme has to do only with vice and crime.

The gross vulgarities which are reproduced in the industrious quest for laughter in the screen comedies.

Burlesques of morgues, funerals, insane asylums, houses of ill-fame, executions and lying-in hospitals.

Sensual kissing and love-making scenes.

Men and women in bed together.

Lewd dancing.

Lingerie displays and other needless exhibitions of women in their underwear.

Venereal disease.

The exhibition of the modus operandi of criminals which may be imitated, including scenes having to do with the picking of pockets, the theft of hand-bags, the prying open of doors and windows for burglary, the cracking of safes, the processes of counterfeiting, the planting of explosives, the lighting of fuses, the throw-

ing of bombs, the pouring of oil and the application of fire and other acts bearing on arson and incendiarism, the cutting of wires, the giving of chloroform and ether for diabolical ends, the destruction of property when it can be held to be informative, the use of poisons, especially when their names are given, and a score or more of performances which put harmful ideas before children and unsettled older minds.

No one is to be instructed in detail concerning the ways and means of taking and destroying property and life.¹

When differences of opinion arise in any board it is provided that a majority, or two of the three, shall determine the fate of a film. If the decision is not to the satisfaction of the owner of the picture, or his representative within the state, appeal may be taken to a competent judicial tribunal. A number of cases have followed this course. The appellant appears with his attorney or attorneys and the subject is argued before a judge or judges in the lower courts of law. If the board is reversed it may in turn appeal to a higher court. It is fairly held that there should be protection for property against the possible injustice of administrative officers, and that their findings should be under review by a higher authority, a principle which has general recognition in our political system.

When the owner, or the owner's agent, or the lessee, as the case may be, receives his film back again, if it shall have been approved, he is given a certificate in proof of this and a piece of celluloid ribbon four or

¹ Rules and Standards of Pennsylvania State Board of Censors.

five feet in length to be attached to his film. This he must show with the picture, so that all may know that it is duly licensed for exhibition. Usually the tag contains a number corresponding with the number given by the censor board on their records to the picture to which it belongs. Thus film can be pursued and identified. Just as an automobile displays a license number so does a picture, and for the same reason. It is a mark by which its owner, if he shall proceed in violation of law, can be haled before the magistracy.

When the picture man is provided with his certificate and tag, or stamp, or seal, or label, or pellicle, as it may be called, he can release his picture and the state is done with it, except as it later meets the field inspectors of the board. These officers visit the theatres to discover if the picture man is conforming to law. Is he showing his seal? If his picture was cut and changed by the board before they gave it their approval, is it still in the form in which it left their offices? Have the excisions which were ordered to be made been made? Has a seal been shifted, possibly, to a new and uncut print? Thus the quest for deliberate or careless violators goes forward. When offenders are found the cases are put into the hands of local justices and they are fined. In default of payment they may be sent to prison. The sums received from this source, when the inspectors are alert and competent, may yield the state several thousand dollars in a year.

But a conscious desire to evade the law after the system is organized is not usually displayed. The un-

expected visits of the board's agents, even when they are infrequent, will keep the houses in order. The industry soon accommodates itself, if at first rather reluctantly, to the entirely practicable plan which may be evolved for examining and certificating the pictures, and the sale, the distribution and the exhibition of film proceeds in a "protected state" as smoothly as elsewhere. I mean by this that bookings are not delayed, no persons are kept out of a picture house because the film has been "censored"; the number who shall come may, indeed, be increased. No exhibitor can show what any other may not. Profits are not reduced; all within the state are on precisely the same plane.

It is in coöperation with representatives of the industry in work of this kind that a board may find much opportunity for constructive service. Experience will qualify it to make suggestions concerning the rebuilding of pictures. When a film is condemned the owner, still desirous of "working" the territory, appeals rather helplessly for some plan by which it may be made acceptable. Then ingenuity is required "to save the picture." New scenes cannot be made for insertion. The company which produced it, very probably so far away as in California, has been dispersed and the sets have been destroyed. Such material as is at hand must be utilized. The result is brought about mainly by changes in the captions and titles, with a cutting and rearrangement of scenes. A man living with a mistress finds himself married to her. A natural child is legitimized. Throughout the story the relationships of the characters are changed. Some knowledge of

play construction, a little literary skill and a patient spirit are necessary to obtain results which are of any practical use.

I have before me, for example, a plan of reconstruction proposed by the Pennsylvania board for a picture called "One Hour." It is headed "Suggestions," and they are as follows:

Subtitles can be inserted in Reel 4 changing the theme from fornication to one of love and valor. The "One Hour" should be changed to indicate the hour in which the army officer shows his chivalry by promising to love and protect the young girl, and at the earliest opportunity marry her. He will go through any hardship and make any sacrifice to prevent Opal's marriage with King Otto.

Reel 2 A—Elim. view of woman as she opens front of her coat and sees that she is naked.

B—Elim. view of her taking off coat and showing naked back. Show girl after she is dressed and is tying her shoe.

C—Elim. view of man barring door.

D—Elim. subtitle "Don't be ashamed, little girl, no one will ever know."

E—Elim. subtitle "Oh! I do trust you."

F—Elim. subtitle reading in part, "We cannot be found here like this."

Reel 4 A—In this reel eliminate the first scene of man and girl making love, in which their arms are shown and the girl's wrist watch is shown.

B—In the second kissing scene, cut so the views of man and girl are those of a decent man and a decent girl in a decent

love-making scene. All idea of fornication must be eliminated both in subtitles and actions.

Reel 5 A—Elim. all views of girl wearing a transparent dress dancing before King Otto.

B—Elim. that portion of a subtitle reading, "Are you thinking my first son will ruin your chances to succeed me?"

Reel 6 A—Elim. subtitle "Inflamed by drink, the King outwits the guards before Opal's door."

B—Elim. all views of King Otto in front of Opal's door, unlocking her door and entering her room. All views of Opal in bed, running about the room and all scenes which indicate the reason the King is in her bedroom is to violate her person must be eliminated. Allow ten feet of latter part of scene which includes the death of the King, and his nephew and others standing around his dead body.

C—Elim. subtitle, "To save the Princess' honor I would gladly pay the penalty of death."

D—Elim. subtitle, "Together, dear, we will end our lives in consecration of that hour we spent in the wilderness."

The sale of film which is only awkwardly revised is a reflection upon the exchange issuing it. The misspelling of words in titles and their ungrammatical arrangement, all too frequent in the best studios, although many manufacturers have been brought to an appreciation of the importance of sending out their pictures without blemishes of this kind, arouses un-

favorable comment. In reconstruction at local centres the changes are often obvious, on these accounts. The new titles, inserted to satisfy the censors in replacement of the old ones, may be dissimilar in the size and the form of their letters. Usually in the states having boards of review there are at hand men who have acquired skill and facility in the reconstruction of pictures. Photographers find it a lucrative pursuit to match the titles when new captions are required, and very often I have seen stories, though they have been completely altered, so well rebuilt that no one, not in the secret, is aware of what has taken place. But recently I have looked in the theatres at these pictures, "Harriet and the Piper," "Whispering Devils," and "The Discarded Woman," which are instances in fair point. I witnessed each, as it was run off before large audiences, without myself knowing, indeed (by reason of a want of recollection about what I myself had had a share in doing to the subjects in question), that very important changes had been made in the prints. Yet I found upon reference to the records that the requirements of the board to which the three pictures had come for review a few months before were so extended as to be expressed as follows:

Harriet and the Piper:

Reel 1 A—Elim. subtitle "Bohemia's snarled code, a free love ceremonial without benefit of clergy, mates only as long as passion's flames leap high."

B—Elim. subtitle "Another fluttering moth dazzled by the light of passion in Blon-

din's eyes finds herself singed, broken and cast off," and substitute "Blondin's infatuated model is roused to jealous rage by his attentions to another."

C—Elim. subtitle "Ah, but love must be free."

Reel 2 A—Insert subtitle "That simple account of her sister's wedding opens Harriet's eyes to the mockery of her own marriage." This is to be inserted after flash-back of Harriet's marriage to Blondin.

B—Elim. subtitle "Whom love finds as mates."

C—Elim. subtitle "As comrades ever free to seek the call of our hearts."

D—Elim. subtitle "Yes, only a sweetheart, not your wife."

E—Elim. subtitle "I want to go home, I want to go to my sister's."

F—Elim. scene of Blondin locking door.

G—Elim. telegram "Your nephew Royal has to-night pretended marriage to an innocent girl, which may involve him seriously. You may learn for yourself by going to his studio. Signed, A Friend."

H—Elim. scene where Harriet tries door and finds it locked.

I—Elim. scene of Harriet knocking at door of bedroom.

J—Elim. scene where Blondin throws Harriet on floor, turns out light, picks up Harriet, puts her on the bed, goes to the door and exits.

K—Take one scene from sixth reel where Harriet is climbing out of window and insert right after subtitle reading "Youth

that danced to the Piper so happy and confident just wanting to live, now plunged headlong into the searing chasm of life."

L—Elim. scene of Harriet on bed and fade-in of Piper playing the pipe in shadow on door, Blondin undressing while she is in bed. Under reconstruction girl leaves by window immediately after overhearing Blondin's talk with aunt denying his marriage. All scenes indicating her struggle to escape sexual union with him and allusion to this subject are to be eliminated.

M—Insert subtitle "Although you had our marriage annulled you cannot wipe out the memory of what has happened," just after Ward introduces Blondin to Harriet.

Reel 5 A—Elim. subtitle "The marriage mockery shielding from the world a woman's desire to atone for the past."

B—Elim. subtitle "I wonder if ——"

C—Reduce to three feet scene where Carter's mother is listening at Harriet's door, also scene where her dress is caught in door.

Reel 6 A—Elim. subtitle "I was never married to him, not legally."

B—Elim. subtitle "It was a night of horror and tears, a terrible mistake."

C—Elim. all scenes where Blondin brings Harriet her clothes and where he puts on his coat, leaves her bedroom, locking the door after him. Flash-backs of attack on girl and her escape in Reel 2 are to be brought into conformity with reconstruction in reference to same subject in that

reel. She is seen only while getting out of window.

D—Elim. scene of Blondin reaching into his pocket and handing the key to his aunt.

Whispering Devils:

Reel 1 A—Elim. subtitle "Audrie Lesden, a young matron recently returned from Paris—and the nightmare of a short unhappy marriage," and substitute "Audrie Lesden, a young matron recently returned from Paris—and the nightmare of a short unhappy marriage—and the inevitable divorce."

B—Elim. subtitle "Rose, Andrew's motherless daughter, the throb of spring in her veins, awaited the echo of her sweetheart's footsteps," and substitute "Rose, Andrew's motherless daughter—the throb of spring in her veins—the happy knowledge of a secret marriage in her heart."

C—Elim. subtitle "The sweetheart—Bob Pendry," and substitute "Bob Pendry, a forbidden man—an outcast in Clevedon—married to Rose."

D—Elim. subtitle "But it will be housekeeping money. We can be married when I get back. Think of that!" and substitute "But in London I will be welcome; here—I am an outcast. Only you have confidence in me."

E—Elim. subtitle "A month later the ship on which Bob Pendry sailed had returned, and an eagerly expectant girl awaited her sweetheart," and substitute "A month later. The ship on which Bob Pendry

sailed had returned, and an eagerly expectant wife awaited the news that would make her happy."

F—Elim. subtitle "It's mean of you, Captain, not to let Bob come ashore. I have watched the street for hours," and substitute "Captain, what news? Where is Bob?"

G—Elim. subtitle "We struck some rough weather and Bob was washed overboard," and substitute "Bob was foolish—he was caught stealing from the warehouse and he is now in jail. Forget him, he was a worthless fellow."

H—Elim. subtitle "Father, what shall I do? Bob is dead," and substitute "There, there, little girl. You are better off without him."

Reel 2 A—Elim. subtitle "Out of her fear and anguish, confession," and substitute "But, Daddy, we were married. In spite of what everyone thinks, I knew he had some good in him."

B—Elim. subtitle "We meant to be married," and substitute "Time makes many changes. Bob Pendry began his long term and a forlorn couple returned from the great outside world to quiet little Cleveheddon."

C—Elim. subtitle "After three quarters of a year had taken its trip around the sun, and a young girl's scarlet sin had been buried in a neighboring city," and substitute "There's Rose Gibbard and her father. They have been to London to Bob's trial."

- D—Elim. subtitle "There's Rose Gibbard. She has been away nearly a year," and substitute "So you're the wife of a convict, eh?"
- E—Elim. subtitle "So you are back at last," and substitute "My affairs are none of yours."
- F—Elim. subtitle "We happen to know why you went to London," and substitute "Well, this town has no room for a jail-bird or any of his people."
- G—Elim. subtitle "Mr. Faversham, let me tell the truth to you. Only you," and substitute "My poor child, pay no heed to them. Suffer in silence and pray for relief."
- H—Elim. subtitle "Bob died. We loved each other so. We were to have been married, and now my babe is dead. Forgive me," and substitute "Mr. Faversham, I loved Bob when I married him—now I see his real character, and I want to be free!"
- I—Elim. subtitle "Who am I to forgive you? You must undo your deceit. Right yourself with God, and your neighbors," and substitute "There must be some way out of it. Can't I divorce him?"
- J—Elim. subtitle "Hide not your sin from the world. Confess it openly and rid your soul of its guilt," and substitute "Divorce! It is an abomination; what God hath joined together let no man rend asunder."
- K—Elim. subtitle "I mean that you must make public acknowledgment before this

parish of your sin," and substitute "You are Bob Pendry's wife until death do you part."

L—Elim. subtitle "I have done to you as I would be done by, were I guilty of such a sin," and substitute "Innocent sufferers for another's crime."

Reel 3 A—Elim. subtitle "Back to their home bowed in shame and anguish, alone," and substitute "Why do you insist upon Rose remaining bound to Bob?"

B—Elim. subtitle "Do not let their slander trouble you. I will make them apologize," and substitute "Her life is ruined, and she is innocent of any crime."

C—Elim. subtitle "Why did you humiliate that child? My heart aches for her," and substitute "The bonds of matrimony are not to be lightly broken. If I had my wishes, I would eliminate divorce entirely."

D—Elim. subtitle "No man can understand what such a confession means to a woman," and substitute "All marriages are not made in heaven. Some may be inspired by his Satanic Majesty—mine, for instance."

E—Elim. subtitle "Is not penitence better than deception?" and substitute "Come away with me, Rose. Get your freedom and try to forget."

F—Elim. subtitle "Penitence between ourselves, and God forgive me for scolding. I want you to know that I am going to Rose to comfort her," and substitute "Audrie, what if Michael should propose

to you? Could you tell him you were divorced?"

G—Elim. subtitle "Let me take you away with me, Rose, and help you begin anew," and substitute "Michael's views on divorce are extremely narrow. If his love is not great enough to broaden him, I don't want him."

H—Elim. subtitle "Audrie, why won't you let me tell Michael that you are the sender of all his anonymous subscriptions?" and substitute "Away to his retreat to fight alone the titanic battle of his love versus his religious belief."

Reel 4. A—Elim. subtitle "Please don't. It would destroy all my pleasure in helping him," and substitute "Michael—Michael! You have unlocked the one place in my heart—I am a divorced woman!"

B—Elim. subtitle "Michael, Michael, you have unlocked the one sacred place in my heart, but I am not free," and substitute "I thought your husband was dead."

C—Elim. subtitle "I thought that you were alone in the world," and substitute "No, Michael, your calling is a more sacred thing than our love."

D—Elim. subtitle "Withycome will not be here. I sent him to Penzance," and substitute "Now I believe a man's love for a woman can be holy."

E—Elim. subtitle "That means that you and I will be here alone until morning," and substitute "For years I have preached the insolubility of marriage, now I am weakening."

- F—Elim. subtitle “To choose Heaven or Hell for both our souls I trust you, Michael,” and substitute “Michael, you are mad. Your calling is something dear to you, and who am I to change you?”
- G—Elim. subtitle “Withycome is here. I will go back with him, and come for you to-night,” and substitute “If God be love then I am right, for God and love are above any mortal’s view.”
- H—Elim. scene where Michael returns to the cabin and forcibly kisses the woman.
- I—Elim. scene of Withycome calling at the island and showing Michael a letter.
- J—Elim. subtitle “Dragging hours find Michael waiting like a thief in the night,” and substitute “As the storm subsides.”
- K—Elim. subtitle “And in Michael’s cottage a lonely woman and lost angel,” and substitute “The intense flame of love dies down. More sober thoughts again reign. Love or duty, which?”
- Reel 5 A—Elim. subtitle “On the mainland the silent figure of retributive justice,” and substitute “Dragging hours find Michael still undecided.”
- B—Elim. subtitle “Michael, good-bye. May God forgive us,” and substitute “— and in the cottage on the island, a lonely woman—waiting.”
- C—Elim. subtitle “I saw him bring Mrs. Lesden back from the island last night. I heard all you said just now,” and substitute “Michael, good-bye. May we never regret our parting.”
- D—Elim. subtitle “What Andrew suspected

he could not have put in words. He just watched."

E—Elim. subtitle "I mean you must make public acknowledgment before this parish of your sin," and substitute "Mr. Faversham, I have seen and heard much."

F—Elim. subtitle "I have broken the sanctity of the marriage vow. I sinned as David sinned," and substitute "Mrs. Lesden is a mysterious woman. She is divorced. She is an unfit associate for a vicar. If you are sincere, you will resign your pulpit."

G—Elim. subtitle "I am unfit to stand before you; as a broken sinner I must go forth, and seek to make my peace with God, humbling myself in the dust," and substitute "You preached against divorce to my little girl, now you condone it by your actions."

H—Elim. subtitle "I repeat your own words, 'Hide not your sin from the world. Confess it openly and rid your soul of its guilt,'" and substitute "My friends, I stand before you a changed man. You have known my antipathy toward divorce. I have changed. I no longer believe in my doctrines."

I—Elim. subtitle "And later, striving to redeem his soul amongst the world's unfortunates," and substitute "I regret the action I am about to take, but in all sincerity I must resign from my pastorate."

J—Elim. subtitle "On the eve of the first service in the restored Abbey, the woman who had been both Michael's good and

bad angel returns to Cleveheddon," and substitute "As time passed—A new work—A broader view—And love for all things human."

The Discarded Woman:

Reel 1 A—Elim. all views of woman in conversation with her husband regarding the coming of their child. This will also eliminate the following subtitles:

(1) "I hope, dear, that we can soon have a home—for the sake of the little one that is coming to us."

(2) "Fine news to spring on me, but pack up and we can talk about it on the train."

B—Elim. views of woman sitting on man's lap in her apartment.

C—Elim. subtitle "And she had prayed that the news would bring him happiness."

D—Elim. view of dance-hall girl approaching man in cabaret, her winking at him and views of them in conversation.

E—Elim. view of girl going up stairs in dance hall and flirting with old man at the foot of the stairs. This will also eliminate the view of him looking at her exposed limbs.

Reel 2 A—Elim. view of woman accompanying man to armchair and her sitting on the arm of same.

B—Insert subtitle "Stifling the voice of conscience with a vow to repay to the last penny."

C—Elim. subtitle "At dawn."

- D—Elim. subtitle “Brooding, nursing both sorrow and hope, and all the while pitifully striving to be prepared for an inevitable event.”
- Reel 3 A—Elim. two flash-backs of girl struggling in man’s arms in the scene following his reading of letter.
- B—Elim. subtitle “Off in search of a position in fear that she will not long be able to work.”
- C—Elim. subtitle “Oh, please, please let me go. In spite of what I did—that night—I am not, and never was, what you may think,” and substitute “Oh please, please let me go—I’ll repay every penny I stole.”
- D—Elim. subtitle “Then what brought you to my cabin?”
- E—Elim. subtitle “But I had never lived there. I was a stranger in need of shelter. That was my only purpose.”
- F—Elim. subtitle “Have no fear that I shall ever expect you to be anything more than my employee. The past shall be forgotten,” and substitute “Have no fear—the past shall be forgotten.”
- G—Elim. all views of girl and her employer in her rooming-house following her arrival there, except the last view as they are married.
- H—Elim. all views of doctor and landlady in conference and all references made to the coming of the baby. This will include the following subtitles:
- (1) “The hastily summoned physician.”

- (2) "Her honorable secret could be kept no longer."
- (3) "I'll not have a girl like that in my house."
- (4) "I'll bet you are responsible for this," etc., etc.
- (5) "I feel that I am responsible for your trouble."
- (6) "Will you let me atone," etc.
- (7) "Get her out of here immediately."
- (8) "She will leave to-day, as my wife."
- (9) "Tempted—for the sake of the little one."
- (10) "To insure the child's welfare," etc.
- (11) "And when Radburn returned."

I—Insert subtitle "Then Radburn, realizing his great love and exhibiting the tender-hearted nature of 'Polka-Dot' of old, returns and with him brings a 'Sky pilot' to show the way to the safe harbor of eternal happiness."

Reel 4 A—Elim. subtitle "The returning Gorman, with his implements, to wit: one parasite, one conscience, and one scheme that sounds good."

B—Elim. subtitle "If that's your child, Martin Wells was its father! What kind of a game did you play on Radburn?"

Reel 5 A—Elim. subtitle "You didn't know, did you, that your wife was the widow of Martin Wells? He was the father of that baby. It's my pleasure now to see you squirm."

On the other hand, when a creditable reconstruction

cannot be brought about, the picture should be retired. This, unfortunately, is no matter for the state board of review to decide. If the film is made over and all that to which the censor can properly object, under the rules laid down for his guidance, has been removed he is bound to pass it. It is the fault of the exchange in persisting in its design to sell the picture, no matter what the result of the reconstruction. In the trade such a film is very frankly called a "cheater." It is given out to exhibitors to fill a service contract and is cited as an argument against the existence of censor boards by those who are unfriendly to legal control. Thus do we cut and slash film, so it is said. Thus do we render pictures unfit for people to see; thus do we destroy valuable property. As a matter of fact, the subject was condemned and it should have remained a picture entirely barred from exhibition within the state. It is a misfortune that the law cannot keep such mutilated film from going into the theatres, if the distributors are so wanting in honorable consideration for the interests of their customers as not to withdraw it from circulation in answer to a sense of right.

It is because of the labor and expense of reconstructing a bad picture that censorship for any jurisdiction smaller than a state is not very practicable. To do this for a few theatres in one city is a forbidding task. The town officers must often deal with the exhibitors rather than the distributors whose "exchanges" may be located in a distant place. One of two alternatives must be chosen—either the film must be entirely barred from use, or a few excisions can be

made in coöperation with the exhibitors, the pieces being reinserted before the reels are put on the circuit for showing in other places where there is a "free screen."

This large and general service in reconstructing pictures, on the part of a board, covers the unusual case, perhaps ten or fifteen pictures in the course of a month. The watchful oversight of film with reference to smaller changes, which do not alter the character of the story proceeds constantly. This work presents few difficulties. It involves the removal of subtitles relating to sex or other immorality, which probably do not need to be replaced, the excision of scenes between a bride and a groom upon their first night together at a hotel, of a woman in travail, of another nude or in her underclothing, of a robbery, a murder or a rape.

An experienced censor acts instinctively and automatically. He can see a situation forming, indeed, before it is yet upon him. He detects the director who is building up for his climax, who is inserting the "punch," in the argot of the picture business, and the ordered changes begin where this building-up process has begun. For the excision to be of any value the whole incident must be removed. Thus it is that the lists of "cut-outs," the so-called elimination sheets of a board of censors, often contain much, which upon a reading of them by one who has not seen the pictures in question, and is out of sympathy with this branch of social service, seems trifling and needless. The cuts are made at the root of the wrong and are, therefore, in-

clusive. Moreover, in the interest of a consistent story, and for the advantage of the mad dervish who flourishes the paper around his head, and angrily declaims against the orders of the board, various changes are required, not directly called for on the ground of immorality. The appeal unto Cæsar, therefore, as against the censors, likely upon examination will fall to the ground. They may not have been so foolish as you would make them out to be, and the attempt to pillory them before the public as ignorant and unreasonable persons will now and again, after investigation, react upon him who started the discussion.

The duties of a censor, though he be as gracious as a Chesterfield, are not performed, at times, without hard thoughts, hard words and prolonged dealings with attorneys at law and judges of the courts. Making "ballyhoo" for his picture at the expense of such an officer is a favorite puerility which must forcibly direct attention to the kind of men too often identified with this industry. Again and again have I been used to arouse a torpid interest in film which, but for my existence, could have attracted little notice. If it can be said that a picture has been "held up" by the censor, whether this statement be true or not, that it has been "condemned" by moral authorities, but now is to be released through a court of law, or otherwise in their despite, it is accounted a valuable advertising device. If some judge shall choose to take up the cudgels of the picture companies against the censors his name will be heralded with great favor on their screens, in their theatre lobbies and in their subsidized

press. In a neighboring state without censorship it will be said with great noise that such and such a film now showing there may not be exhibited in Pennsylvania or Kansas, as the case may be, to lengthen the queue in front of the ticket window.

One day during the war I was confronted by a theatrical magnate of New York City and his attorneys. We had removed a rape from a war picture. One of the lawyers with the air of doing me a kindness came to my side to say *sotto voce* that if I did not give them all that they required I might be set before the city and the state as a "pro-German." I told them that if they thought they could discredit me in that way they might go as far as they liked, that I had no kind of intention of yielding to their intimidations. Objectionable features would be cut out of their pictures as well as from others without fear or favor. They were seeking advertisement for themselves and their film in so far as I could read their minds. So they left us. The large theatre which they had hired was closed for several days at large cost to them, while they appealed to the courts, and I and my associates were proclaimed as enemies of our country.

Only decision, courage, vigilance, indifference to criticism, when you know you are right, will avail. Then, after great toil of the eye and some derangement of the nervous system, your reward will be satisfaction in well-doing. I know there is treasure in Heaven for an honest public servant of this kind. He is beset with temptation. Beguiling fellows, full of subterfuge, come to visit him with their own objects in view.

He is cozened, and pressed, and banished from the company of man for his illiberality, though he may have been so generous in his judgments that he knows to a certainty a million persons will still think him careless of the public welfare.

The advocates of state censorship believe that when the movement is given general direction, and, in its application, it becomes earnest, forceful and uniform, while being honest, impartial and just, bad film will disappear. The number of states ready to deal with this problem needs immediate extension, but in the capital of everyone to which the suggestion is seriously brought an alert and an ingenious body of men and women, in the hire of the picture makers, strive to confound the energies of those who are contributing their efforts to enact this indispensable measure of social reform.

When twenty populous states instead of five have commissions of this character their rules and standards can, perhaps, be harmonized. It will be seen that pecuniary profit can no longer accrue from a picture on the strength of its appeal to salacious tastes. The producer will understand that the field is closed to him in so large a part of the Union that it will not be worth his while to make obnoxious pictures, and to insert obnoxious scenes in otherwise good pictures. Inelegancy there may still be, but money will come from indecency, neither to maker nor vendor, since his film, should it have this character, will find only a restricted market. Thus shall we dry up the evil at its source. The manufacturer will, perforce, become a better and a more

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neighborly man, as he should have been on his own motion in response to the impulses of his own heart from the first day.

It is plain to be seen that some form of Federal control would be for the public advantage as well as in the interest of the industry. If there were a clear and a straightforward statement of what would and what would not meet the approval of some qualified national board the way might be easy to follow. Surely in the face of such counsel the larger manufacturers would endeavor to make their output conform to established standards. The subject has been widely discussed, and it is now coming forward as the plan which most deserves our favor, though it is manifest that under our system of government such control will extend only to interstate commerce.

A bill covering this subject, known as the Smith-Hughes bill, was introduced into Congress by Senator Hoke Smith and Representative Hughes, both of Georgia. A furious contest ensued between the picture men and their attorneys on one side and the representatives of child welfare and social service organizations on the other. The hearings were prolonged, but the committee unanimously reported the bill out of committee in February, 1915.¹

As a result of conferences and discussions the bill was revised and in some particulars amended, and it was again favorably reported to the House in 1916. In brief, the plan called for the establishment of a new

¹New York Society for the Prevention of Crime, Bulletins Nos. 38 and 39.

division of the Bureau of Education in the Department of the Interior. The President should appoint five commissioners, who, with the aid of assistants, should inspect all motion picture films designed for entrance into interstate commerce, and license them unless they were "obscene, indecent, immoral, inhuman," or were reproductions of "an actual bull-fight or prize-fight," or were of such a character that their exhibition would "tend to corrupt morals or incite to crime."

Substantial salaries for the commissioners were fixed upon so that the President could secure the services of "capable men" who would "accept office as a career and not for the purpose of carrying out preconceived and perhaps prejudiced ideas as to the reform of the film industry."¹ The rate of compensation was fixed at \$7,500 annually for each member, except the chairman, who was to receive \$8,000. The principal office was to be located in Washington, but for the expedition of the work branch offices were to be established in Los Angeles and New York, in proximity to the manufacturing centres. The examination fee was fixed at \$2 a reel for the first print or copy, and fifty cents for each additional print or copy. Appeal could be taken, in case of dissatisfaction with the rulings of the commissioners, on the part of the applicant for review, to the Court of Appeals of the District of Columbia.²

The Federal Commission, thus created, would have

¹ Statement of certain picture producers to Committee on Education, Jan. 25, 1916.

² H. R. 15462, 64th Cong. 1st sess.

nothing to say with reference to what pictures should be shown in any state. Each state, city or other locality would retain the power to forbid the exhibition of a picture, even if it had received a United States license. However, it was fairly concluded that general Federal regulation of this kind would go far toward doing away with bureaus of local control. The Committee on Education in its report in 1916 said:

"The character of the motion picture industry renders state and municipal regulation inadequate. Motion picture films are essentially articles of interstate commerce. They are not manufactured for use in any one state or municipality, but practically every picture is exhibited in all of the states of the Union. Innumerable inspections by local boards work great hardships on the industry. In the absence of any official Federal regulation the states and cities are finding it necessary to establish these local boards to prevent the exhibition of immoral, indecent and obscene pictures. The only adequate method of regulating motion pictures is to be had in a Federal commission, and the establishment of such a commission is the only way to obviate the necessity for innumerable local boards."

The endorsement of this measure was actually secured from some substantial interests in the film industry in terms which bore the appearance of sincerity. The Paramount picture corporation, including the affiliated Famous Players and Lasky companies, which were joined by two smaller manufacturers not now actively identified with production, made a statement

which is of great interest in view of their later attitude toward the subject. At this time (Jan. 25, 1916) their agents in the matter said:

"While the idea of censorship of motion pictures is distasteful to our clients as well as to others in the business, our support of the principle of regulation embodied in the bill before you is due to our realization of unfavorable conditions in the industry, which cannot be corrected by ordinary means, or by sporadic and occasional criminal prosecutions procured by the better elements of the business, or by individual or organized reformers. The motion picture business, now of vast financial importance, has had a mushroom growth and is not yet homogeneous and standardized. Too many persons engaged in the business look upon it as a temporary means of getting money, instead of a permanent business, the continued profit of which is dependent upon the quality and character of the productions. They are like miners who quickly exhaust the high grade ore and leave the low grade on the dump. They are get-rich-quick artists looking for a quick 'clean up and a get-away.' They find the opportunity for such methods in producing and exhibiting sensational productions which display scenes of lust and crime.

"Unfortunately the public is not yet discriminating, and goes to see both bad and good, which are usually to be found upon the weekly program of the same theatre. Still more unfortunately the vicious picture brings the larger return to exhibitor and producer, because it gets the money of the regular customer and

the sensation-seeker also. This state of affairs constitutes a temptation hard to resist, and, in fact, the production of vicious pictures is constantly increasing, just because they are more profitable. If the industry is to endure, if decent people are to stay in the business, this cancer must be cut out. A Federal regulatory commission should prove a fearless surgeon and we, therefore, favor such a commission."

CHAPTER VII

THE ATTITUDE OF THE INDUSTRY

IN general, from the first day the "industry" has registered its opposition to "censorship." Much of this has been angry—all of it, so far as I have been brought to know it, has been confused with false logic and quarter sessions rhetoric, as well as much subterfuge and downright dishonesty. The uproar at Ephesus when the makers of licentious idols found that increasing righteousness was imperiling their tainted gains¹ is repeated at every encounter with the picture man, having for its end the improvement of the moral quality of what he manufactures and offers for public sale.

The producer on the face of things is quite naturally in a frame of mind to believe that a film, when it leaves his manufactory, is in the best possible condition for profitable distribution. He is often disappointed in his judgment, as none knows better than he. Nothing but experience with each individual picture will determine the value of that picture from his standpoint. He has strained every nerve to give the film such a character that it will "make money," and he is averse to anyone tampering with it before it reaches the market.

¹ Acts 19: 23-9.

All of this can very readily be understood. The producer may or may not have some incipient **ar-**sense which is "outraged" by the thought that rough hands will be laid upon his "masterpiece." Of this we shall hear. But, when all is said and done, it is from the point of view of the merchant with a product, made and completed in such a manner that he thinks it will be well received by the public, and will bring him the largest possible returns, that the manufacturer acts when he resents supervision by the "censor."

It is very true that he may meet with unreasonable treatment from incompetent and ignorant officers. Some whom I have known, designated in accordance with the despicable system by which we so often make appointments to administrative positions in this country, are evil characters with no fitness for any responsible task. But we all are convinced that we must have government, though we seem at times to manifest so little genius for choosing persons who shall direct our common action. Our course under such circumstances must be an improvement of the moral and intellectual tone of those whom we entrust with the administration of law, not an absence of law that we may be rid of our political responsibilities.

I sympathize with the producer to this extent—I am sorry that he is sometimes subject to the whims of dishonest and inefficient examiners; and yet I have almost never seen the "industry" give its support to the intelligent man or woman in the service. The film people have used such influences as they can exert in

"politics" to bring forward another type of censor. **They** revile **"politics"** and yet they enter it with their **riches** to pollute and corrupt the sources, and bring **themselves** face to face with the very conditions which **they** profess to abhor.

Thus am I brought to another point in the discussion. The producer is a business man—one who is **very** much occupied and engrossed with his business. **He** is exceptionally prodigal in the expenditure of **money** and he soon gains a large retinue of journalists, attorneys and secret agents who for years past have **usurped** the place which he might better have kept for **himself**. The **"industry"** on its controversial side is **this** lobby which battens on the manufacturer. In it **are** both men and women. They create associations and leagues for this and that purpose, believed to be **near** to the heart of the producer. They edit this and that paper and magazine which is supported by picture advertisements. A national meeting of women is to be held in some distant city. It is feared that they may pass resolutions **"inimical"** to the **"industry."** Lobbyists are ready to have their expenses paid to and from the **"Middle West"** that they may attend it and befuddle the persons, more or less ill informed—on such a subject—there assembled. Bills patterned after the dreaded Pennsylvania law appear at forty state capitals. Lobbyists are needed to go off in all directions. Attorneys, local to cities and states, are to be **employed**, exhibitors are to be addressed and taxed with a view to meeting the new **"menace,"** and **thwarting** the reformers by fair means or foul. Thus

has it been year after year. These scores and hundreds who wait at the doors of managerial offices raise the cry of "wolf," disturb New York and Los Angeles with wars and rumors of wars, involve the producers in "politics," with great attendant expense, and develop a situation which, I firmly believe, they would be glad to escape if they knew whither their present course is leading them.

Thus has the word "censor" become anathema to the manufacturer and he lays out his money to oppose every movement on the part of the sincere men and women who are endeavoring to improve the character of the screen. He is seemingly prevented from knowing or understanding the profound meaning of the agitation. He does not realize how much earnest purpose is behind it, or what are the conditions of which the right thinking elements in the nation so sincerely complain. He sees only a few pictures, comparatively, even if he shall look upon all that issue from his studios. No man, except one who views the whole native and imported output, as I have viewed it in the performance of my public duty throughout a series of years, can form a correct judgment of the subject. It flows past his eyes in a constant stream, not without making a definite and not unfairly arrived at impression, which is this—that there is in the volume a vast quantity of matter which needs to be taken out and kept out of circulation by force of law.

The intelligent producer, if he were placed in the same position with a like opportunity to survey the entire field would come to precisely the same conclu-

sion, should he allow himself to do so. As it is he knows well enough that some rival is making and selling pictures which are unfit to be shown. They are taking away the market for better film. Money which would be expended at the doors of theatres exhibiting decent pictures is deflected to houses which throw upon their screens some sensational itinerant propaganda film dealing with white slavery or venereal disease. It were better for the manufacturer to view the subject as it is and to use his offices to bring the business to order at the earliest day. Self-interest, if no better consideration shall have weight, should lead the more sagacious producers to act before it be too late. There is truth in what an officer of the New York Civic League said but a few weeks ago: "It is a case to-day of anything for the dollar. The whole motion picture business is riding to a fall, and, if a halt is not called soon, the good will have to go with the bad."

Camouflage will not do. Throughout the entire period of strife for the preview of pictures, with the purpose of finding out what they may contain and of cutting out those parts which contravene definite rules and standards, the industry has aimed to disseminate the impression that such service is being competently rendered by a so-called National Board. Pains are taken to print upon the film that it has been passed by this Board. Such a legend is made by the picture man in his own studio when he "titles" the film. He does not yet know whether the picture will be passed—presumably he does not yet know this—but he stamps it as approved regardless of its fate in this

respect, with the view of making cavilers believe ~~that~~ that his product has received the visé of some high court of moralists who have sat in judgment upon it.

This Board used to be called the National Board of Censors. When a campaign, very systematic and very acrimonious, was begun against "censorship," the gentlemen in authority determined that its name should be changed to the National Board of Review. Its headquarters are in New York. Founded some years since to coöperate with the industry, not without sincere purpose to bring about, if possible, an improvement in the quality of the output, it has fallen, until now a study of the work of the body, if it be followed week by week, reveals no achievement which it is worth one's while to take into account.

Indeed the National Board of Review has become a mere blind, a ruse to beguile film reformers, particularly organizations of women, who have so real and steadfast an interest in the character of picture exhibitions for the sake of their children. For years it has issued sheets in which minor changes in pictures brought to its attention are suggested. The manufacturers are kindly asked to make the cuts set down on the lists, and the ladies are asked to observe, when they view the pictures in question, whether or not the requirements have been met. If the requirements have been disregarded notice may be given to the exhibitor and to the Board in New York. Thus have minds of well meaning social workers been occupied in many communities, and public criticism of film has been softened or obviated. Most of all it has served to pro-

vide a weapon with which to combat proposals for legislation, in cities and states, devised to bring the picture under real control.

The Board is sustained by the producers who agree to send to the office in New York one print of each subject, which they issue, and to pay jointly for the service. In this and in other ways the expense of keeping secretaries and publishing reports is pro-rated. The voluntary services of men and women, who from time to time come in to assist in the work of looking at the pictures, are available. But producers are under no obligation to join the associated and contributing body—or to forward their prints after they do join it, unless they choose to do so. There is no penalty specified, nor is any enforceable, if the “orders” of the Board are not obeyed. In short, the inspection is practically a farce, and as such cannot be patiently considered as a factor in any classification and appraisal of the value of effective ways and means of controlling the film situation in America.

This so-called “national board” of censorship, which was neither national nor a board of censorship, a high authority declared several years ago, when its service was much more disinterested than to-day, was “fooling the public.” He gave these reasons why the work was without value:

“Because all the manufacturers do not always obey the orders of the board and some manufacturers do not show their films to it.

“Because, as its expenses and the salaries of its secretaries are paid by the film manufacturers the

board is not free in its decisions; it works, not for the public entirely but unconsciously for its friends, the film makers.

"Because the volunteer 'censors' are not regular in their attendance, and in their absence the paid secretaries do the 'censoring.'

"Because the board is divided into some eight sub-committees with differing moral ideals, and when the secretaries have a questionable film they can send it to the committee which is least likely to disapprove it.

"Because the executive committee of five members appoints the salaried secretaries for the general and 'censoring' committees, and nominates all the members of the same.

"Because the executive committee which has control of the finances cannot pay its expenses unless they please the manufacturers, who contribute all the funds.

"Because there is no law forbidding unapproved pictures to be shown in the theatres."¹

The House Committee on Education when reporting a Federal censorship bill to Congress in 1916 said:

"The establishment of large numbers of local boards, which are rapidly increasing, clearly demonstrates the inadequacy of the so-called National Board of Review, which by its very unofficial character cannot exercise effective supervision. Though it were to exercise a careful and intelligent supervision over ninety-five per cent. of all pictures, still there would remain five per cent. which could be immoral and unfit

¹ Bulletin No. 38, New York Society for the Prevention of Crime.

to be shown. It is only fair to assume that those pictures which are most objectionable will not voluntarily be submitted for review. An unofficial board which has not the right to examine 100 per cent. of the pictures is, in reality, not a board of regulation, but a board of recommendation and approval. As a matter of fact evidence before the committee discloses that a very considerable percentage of the pictures approved by the unofficial board are declared by the local boards unfit for exhibition. The decision of the National Board of Review is not binding. Pictures which have been disapproved by it are shown to the public."¹

Another who has studied the Board's activities more recently at close range has said: "This national board of censorship is nothing more or less than a little group, either controlled by or directly interested in the industry, and knowing that their salaries will cease as soon as they become the least bit drastic."

Such words are easy to understand and are so different from the casuistical utterances of the men and women employed by the Board for the business of throwing dust in the eyes of the unknowing in all parts of the country that some of the parties in interest may consider them offensive. But if there is any other conclusion to be drawn from the untiring and assiduous endeavors of the agents of this organization to defeat, both by writing and speech, the sincere efforts of persons honestly interested in the social welfare, when measures to regulate the industry come before

¹ Report of Committee on Education, No. 697, 64th Cong., 1st sess.

state legislatures, than that they are acting in the picture man's direct behalf it is not easy to perceive what it may be. At such times they align themselves unreservedly and angrily on that side, and may be seen by the discerning for what they are.

On not a few pictures when legislative campaigns are at their height a tag is placed:

PASSED
BY THE
NATIONAL BOARD
OF
REVIEW

"Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no law shall be passed to restrain or abridge the liberty of the press."—*The Constitution of the United States.*

If this provision of the Constitution in any way bears upon the question of removing a rape, or some other abomination from a moving picture, why does this Board exist? Why maintain such an organization to restrain an offender, if it is illegal and unconstitutional to abridge the liberty of your offender? We can end where we began with the observation that the so-called National Board of Censors, or Review, whatever its name, is one of the industry's sand-bags to fell measures which are devised for the purpose of putting light and goodness into its soul.

Nearly all the argument in a legislative campaign

at a state capital resolves itself, after a vast amount of noise and fustian, into one thing—that control by preview is un-American—it is an infringement of the right of free speech and the liberty of the press. Skilful advocates, retained at great expense, carried the contention from one tribunal to another when the social conscience was first aroused on this subject and we began to enact ordinances and statutes to restrain the film makers and distributors, and, in due time, an opinion was received from the Supreme Court of the United States. Yet still, from day to day and year after year, this line of reasoning is pursued by the celluloid journalists and the paid film attorneys without regard for the fact that the point has been finally disposed of. The Ohio law of April 16, 1913, was alleged to be unconstitutional. An opinion unfavorable to the picture men in *Mutual Film Corporation v. the Ohio Industrial Commission* was delivered by the United States District Court of Northern Ohio.¹ They appealed to the Supreme Court, which in October, 1914, through Justice McKenna, in memorable language affirmed the view of the subject which had been taken by the lower court.

"However missionary of opinion films are or may become," said the court, "however educational or entertaining, there is no impediment to their value or effect in the Ohio statute. [Since films of a "moral, educational, or amusing and harmless character" it was specifically declared in the law should be "passed and approved" by the Board.] But they may be used

¹ 215 Federal Rep., 138.

for evil, and against that possibility the statute was enacted. Their power of amusement, and it may be education, the audiences they assemble, not of women alone nor of men alone, but together, not of adults only but of children, make them the more insidious in corruption by a pretense of worthy purpose, or if they should degenerate from worthy purpose. Indeed, we may go beyond that possibility. They take their attraction from the general interest, eager and wholesome it may be, in their subjects, but a prurient interest may be excited and appealed to. Besides there are some things which should not have pictorial representation in public places and to all audiences. And not only the state of Ohio but other states have considered it to be in the interest of the public morals and welfare to supervise moving picture exhibitions. We would have to shut our eyes to the facts of the world to regard the precaution unreasonable, or the legislation to effect it a mere wanton interference with personal liberty. . . .

"The constitution of Ohio is invoked and an exhibition of films is assimilated to the freedom of speech, writing and publication assured by that instrument, and for the abuse of which only is there responsibility, and it is insisted that, as no law may be passed to restrain the liberty of speech, or of the press, no law may be passed to subject moving pictures to censorship before their exhibition. . . . Are moving pictures within the principle, as it is contended they are? They, indeed, may be mediums of thought, but so are many things. So is the theatre, the circus and all other

shows and spectacles and their performances may be thus brought by the like reasoning under the same immunity from repression or supervision as the public press—made the same agencies of civil liberty. . . .

The first impulse of the mind is to reject the contention. We immediately feel that the argument is wrong or strained, which extends the guaranties of free opinion and speech to the multitudinous shows which are advertised on the bill-boards of our cities and towns, and which regards them as emblems of public safety, to use the words of Lord Camden quoted by counsel, and which seeks to bring motion pictures and other spectacles into practical and legal similitude to a free press and liberty of opinion. The judicial sense, supporting the common sense of the country, is against the contention. . . . It cannot be put out of view that the exhibition of moving pictures is a business, pure and simple, originated and conducted for profit, like other spectacles, not to be regarded, nor intended to be regarded by the Ohio constitution, we think, as part of the press of the country or as organs of public opinion.”¹

At the same time the law of Kansas, which put the responsibility of preview and the issuance of permits for the showing of film upon the shoulders of the State Superintendent of Public Instruction, with appeal at need to a board composed of the Governor, the Attorney General and the Secretary of State, was declared to be constitutional. The case—*Mutual Film Corporation of Missouri v. Hodges*, Governor of the

¹ 236 U. S., 230.

State of Kansas—had been argued before the Supreme Court, in conjunction with the Ohio case, and one opinion followed the other. Both statutes were held to be “valid exercises of the police power of the states.” They were “not amenable to the objections urged against them.” They did not “abridge the liberty of opinion,” or, answering other points which were raised by the film attorneys, did they “interfere with interstate commerce,” or fall within the forbidden class of “delegations of legislative power to administrative officers.”¹

A little later in May, 1915, in response to similar attempts to break down the law in Pennsylvania, in *Buffalo Branch v. Breiting*, the supreme court of that state affirmed the constitutionality of the policy of previewing film. The statute creating a board of censors was clearly “an exercise of the police power of the state enacted to conserve the morals and manners of the public.” The court expressed the opinion that “the promotion of public morals and public health is a chief function of government to be exercised at all times as occasion may require.” Being a power not surrendered to the general government it fell within the scope of the legislative authority, and the law was valid. The board’s orders must be respected and obeyed.²

Defeated at this point the film interests in Pennsylvania, when their way was blocked by the censors, lodged appeals in an increasing number of cases with

¹ 236 U. S., 248.

² 250 Pa., 225, affirming 23 Pa. Dist. Reports, 837.

the courts of common pleas in the city of Philadelphia, as the statute declared that they might, and succeeded in bringing their difficulties to the attention of judges who found more or less satisfaction in thinking themselves "super-censors," competent to view pictures in their courts, in theatres, or elsewhere, as pleased their convenience, and to reverse the board's decisions to the advantage of the film people. This phase of the subject called for a further opinion from the Supreme Court. In due time it was very clearly stated that appeal, within the meaning of the statute, contemplated no such exercise of authority on the part of the common pleas judges. It was their function to intervene only when there had been on the part of the board "an arbitrary or oppressive abuse of discretion,"¹ such as "perversity of will, passion, prejudice, partiality, or moral delinquency."²

As for local control by preview judicial opinion has taken the same course. The Supreme Court of Illinois in 1909, in *Block et al. v. City of Chicago*, affirmed the validity of the censorship of pictures by the Chief of Police in Chicago under the ordinance of November 4, 1907. Several interesting points were emphasized. The court said:

"The purpose of the ordinance is to secure decency and morality in the moving picture business and that purpose falls within the police power. . . . The ordinance applies to five and ten-cent theatres, such as the complainants operate and which on account of the low price of admission are frequented and patronized

¹ 253 Pa., 422.

² 265 Pa., 335.

by a large number of children, as well as those of limited means who do not attend the productions of plays and dramas given in the regular theatres. The audiences include those classes whose age, education and situation in life specially entitle them to protection against the evil influence of obscene and immoral representations. The welfare of society demands that every effort of municipal authorities to afford such protection shall be sustained unless it is clear that some constitutional right is interfered with.”¹

Thus:

(1) The court held that the ordinance did not discriminate unfairly in favor of dramatic performances in the regular theatres, because there is a difference in the nature of the performances and the class of people attending these performances.

(2) The court made it clear that official censorship does not destroy property without due process of law for the reason that censors reject only immoral films which have no legal right to exist and, therefore, have no value in law.

(3) The court rejected the claim that the ordinance was void because it delegated legislative and judicial powers to the chief of police. It maintained that government could not be carried on if nothing were left to the judgment and discretion of administrative officers.²

I find nothing strange in such an exercise of power with reference to an agency which carries messages so vivid and impressive to the population. It is plain

¹ 239 Ill., 251.

² *Ibid.*

that a censor is acting on no very new principle. We censor our own thoughts before we utter them, if we are esteemed as neighbors and citizens. The book, the magazine, the journal, the advertisement are carefully edited. Precisely this function is performed by an officer who surveys the moving picture. He edits the film before it is presented to public view. That he acts for the state instead of some other interest cannot alter the form of the service which he performs.

Some producers manufacture 200,000 feet of film, and more, for a picture which in the end will measure only 5,000 or 8,000 feet, twenty feet, therefore, for one foot intended for final use. All directors make much more than they need and then, by a process of selection, of editing and censoring and reëditing and recensoring, present us with the finished thing. Is it, therefore, so very extraordinary a proposal that someone, seeing all from a height and representing the common interest, should have an editor's powers over what in the film output shall appear to contravene public policy?

It is not more oversight than we give to a hundred other subjects—not more, let us say, than the supervision of the food supply or the automobile. We require that meats, eggs, butter and milk shall be wholesome when they are set out for sale. The driver of an automobile must secure a license; he is limited in his rate of speed. There are public interests as he goes up and down the road which he must hold in view. I say as much for the picture man. We meet him as often as we do the vendor of food or the motor car.

and he must be bound to good order. The law, which prohibits one person from taking the life of another, or from stealing his child, his ox or his silverware, is not for that large number of people who have no wish to slay or rob. The regulations as to impure food and fast driving, and driving without licenses and lights, are not for those who will never err in these respects. The penalties are for those who stand ready to offend. They are silent reminders to deter those who might misconduct themselves, if they could, and stand there to be enforced against those who shall dare so much in a direction which is at variance with our notions of the common good.

Again it is not far from a law which says that nothing which is improper on moral grounds shall be shown in a theatre to another law which is effectively devised to enforce this principle. The common law, amplified by the statutes of the states and the ordinances of cities, governing the character of our theatrical exhibitions, are apparently acceptable to the picture man and those who are employed to speak for him. Objection begins only when a method is found to give practical effect to this law. It is clear that our ordinary police and constabulary authorities are unable to exercise a suitable care over the moving picture house. Their duty is to preserve good order in the streets, where their competency indeed is sometimes fairly brought into question. With the film, which travels hither and thither elusively, daily, they have neither the time nor the knowledge to deal. What is more natural, then, than to say that this film before it

may be shown at all shall be presented to specially designated officers who shall view it, and, if they find it good, shall certificate it and license it. It is merely, as I regard the subject after long consideration of it, a practical and effective means of administering existing law of a general kind as it applies to a new and peculiar activity. By this means film is taken quite out of the control of the regularly established police agencies—they are left free for their more appropriate tasks—the people are assured that what they and their children shall see will do them no, or at least minimized, injury and the picture man himself, if he were worldly wise, would understand how much he might gain by cheerfully assenting to the development of a policy which must protect him from the random offender, who, with but one bad picture, may give the public a distorted view of the character of the whole industry.

That the industry as such has a conscious wish to violate rules of good order neither I, nor any who has had its movements under long observation, would assert. Some high-minded men have been and are now associated with it. But it is peculiarly fluid. Few who were known in it in its first days are still actively interested in its fortunes. Companies rise and fall; they are organized and reorganized. A year or a month, indeed, reveals a complete change in the personnel of a film corporation. The conditions under which film is manufactured, distributed and exhibited are such that any adventurer can enter the business and make his escape before one quite knows what he is

about. In all conscience, then, let censors, social reformers, school men, neurologists, criminologists and the intelligent, self-respecting and responsible element in the industry come together like bond brothers to accomplish ends which are obviously so desirable and necessary that the screen may be rid of what now amounts to a scandalous public offense.

CHAPTER VIII

THE PICTURE IN POLITICS

By some it is believed that the picture industry is one of the most corrupt of the forces now active in the debauchery of the public conscience. It has taken the place in our politics of the old land grant railroad and the liquor business. It is a source from which campaign funds are recruited. If it shall not make its contributions of money, to a certainty it can exert a powerful influence over the men who control our political destinies in this democracy by giving or withholding from parties and candidates the support of the screen. "Why think of it, man," a city boss once said to me while I was in his office, "what those fellows could do to us. They have hundreds of theatres. They could show me up good and proper." In truth they might; they could and would give their support to a candidate who espoused their interests, and ignore another who was known to be in favor of placing them under restraint. A leading news reel bears a legend stating that it has 20,000,000 "readers." Here is a circulation forty times that which is claimed for the most widely dispersed daily newspaper.

If the press is a large factor in politics the screen may be a yet greater one. The pen is mightier than the sword, but here is the moving picture which has become a good deal mightier, one must conclude, than

the pen. To show a candidate's face with complimentary words to millions of American voters, night after night, while neglecting to show the face of his opponent, is of itself a power, which, if it were exercised, might well give pause to the man ambitious of obtaining the suffrages of his fellow men and women. It is a dangerous power; the temptation to enter such a field the film man, if he has not yet discovered how potent a factor he may be in our politics, cannot be trusted to withstand.

Nowhere has the screen been silent in the face of efforts to enact censorship laws. It has been used freely to defeat such measures in states in which they have lately been proposed. When the agitation was yet young and the drafts of the first laws were brought forward the industry was not consolidated, or organized for political service. One or two found their way upon the statute books before it was discovered what might be done in opposition to the restraining forces. But in recent contests, as in Massachusetts, North Carolina, Nebraska and Missouri, all the power which political skill could muster, at a large cost to the picture-making, distributing and exhibiting interest, has been put forth to defeat the purposes of the good men and women who have set out to bring about a reform of conditions in the film industry. Large funds have been collected and disbursed for the employment of acute attorneys, and for such other uses as the object to be gained has indicated to be necessary in the progress of the campaigns. The most disinterested and philanthropic of workers for the social welfare have

been ridiculed, their motives have been brought into question upon the screen, in the press and at legislative hearings, by the hired defenders of a great selfish commercial power.

All the while this power with its multiform agencies, fed from a wealthy hand, makes professions of reform. At the approach of each legislative session there is loud promise of a "house cleaning." For years we have heard, over and over again, at sign of censorship laws, the plans of the industry for making better pictures, of putting their business on irreproachable foundations. Thus some consciences are again calmed and the day of reckoning is postponed. The "reformer" who sees but a few pictures is lulled into a comfortable belief that what he or she has had in mind has been achieved by moral suasion. The industry winks its eye and goes about its affairs as before. It will employ a Secretary of the Treasury, or a Postmaster-General, or whatever other man it may, at a Charlie Chaplin salary, if it shall seem to be discreet at the moment to do this, to gain the support of large political interests and to satisfy an aroused public sentiment. It has "played politics" but awkwardly, those who have followed its movements must conclude, but it has done this actively everywhere—in the justice's court to humiliate the prosecutor and avert the payment of a fine—I know of none of my experiences so unpleasant as some which I have lived through in the presence of the "minor judiciary"—in the higher courts, to gain favorable opinions for pictures in case of appeal from the judgment of the

censors, in the legislatures at the state capitals, and at Washington.

Like the land grant railroad, the distillery and the brewery, it has no party. It works as it may with any dominant interest. When it is organized effectively it will have its agents close to opposing "bosses," so that it shall be in favor, no matter which of the two may at any time be in power. Machinations to defeat a law creating a board and to destroy its efficiency, after it has been established, go forward in the dark. The activity of the emissaries of the industry is tireless. Now they coax, now they threaten, again they demand that they shall have their way. You will be taken into the courts to be made the butt of ridicule or scurrility by one of their friendly judges, and overruled. Your idiocy will be published to the world upon their screens. You will be reported to the Governor who has named you to your post, and who will quite certainly be prevailed upon not to give you another term of service.

I know of a case in which the industry purchased the building wherein the offices and projection rooms of a board were located, with the approval of the politicians administering the government of the state. These politicians in the name of the state then released the building at a much higher price than had been paid for it before. Without foreknowledge, without opportunity for protest the board became the tenant of the interest it was created to restrain. It suddenly found itself under the ægis of the picture men with the duty of adjudging their product under their very eye.

Again, without knowledge of the Board, in a political campaign its power of instituting prosecutions for violations of its orders was taken away from it. Again in the same way, under a like impulse, the giving out of the reports of its rulings was stopped, though this service was invaluable as a guide to exhibitors of pictures in all parts of the state, made responsible for violations of the law, as they one and all were, that they might have assurance of living within its terms, and to the public generally, which for long had aided in the prevention of infringements, and were clearly entitled to know what was being done to justify its being. For years the producing and selling forces in the industry had protested against the publication of such information. Now they were to have their way. Through an inert chairman of the board, the creature of a great power, moved by clerks in several offices of government, over whom stood no one courageous enough to stop them, the industry gained immunities it long had sought.

For a censor to write or to speak about the evil in film has been frowned upon in some of the states. An officer who will do this is denounced as an "enemy of the industry." He is addressed by its agents who tell him that if he does not cease his activity all its power will be used to bring about his removal from office. He was put in place to review pictures in his own state, not to act as if he were a leader of a moral cause. As the end of his time draws nigh the most potential leaders of the business, with an attorney at their head, visit the seat of government to lodge violent protest.

against his reappointment. The governor, though he has made the most definite promises to other interests, yields and at the height of an electoral campaign meets the demand of a corrupt power. He then, as the picture men themselves are prone to do, to cover his way, makes public professions of a deep interest in the purity of the screen.

In another state a law has stood upon the statute books for several years. It is not enforced. Its provisions are an empty rigmarole. Two men and a woman draw their salaries. Inspections, prosecutions, fines are not thought of. The running off of the film before the eyes of such as look at it is a useless ceremony. The bureau has never been organized for service. The Governor listens to protests and takes no action to improve the conditions about which the people complain.

In still another state the chairman, a widely known politician, alleges that few cuts are made because few need to be made. He is not offended by what he sees. The officers who have been named to carry out the provisions of the law in reality do nothing. Practically they exist only to satisfy the public demand for censorship in much the same manner as the subject is controlled by the industry's own Board of Review.

I have contended that the work of censoring a picture is a technical business. That it may be undertaken with any advantage by the new and untrained hand I am led to deny as I look back upon my own unpreparedness for the service in the beginning, and have watched the development of a large number of

assistants. The average onlooker in the theatre who complains of a film gains a general impression only. The influence of the picture from his or her standpoint is bad. Yet you will find, if you will make inquiry, that he or she is quite unable to give a precise intelligible ground for his dissatisfaction. He cannot reduce his objections to a form which will serve as advice to the censor, who is confronted with the concrete and definite task of pointing to obnoxious details, of determining, perhaps, by what course of change the picture can be made over until it shall be acceptable.

Again it is very easy to cut a film—to mutilate it. But what propriety is there in such a proceeding except with a view to satisfying the provision of the law? On no other ground has the censor right to exercise his power. On no account, by any rule of justice, can he act, except in answer to the law. He must know the meaning of words, as they are interpreted by others as well as by himself, and then, in order to rid the film of those features which are “debasement to public morals,” he must present his conclusions. It is a piece of property to be treated as such—the board is a judicial or quasi-judicial body. The ruling is an adjudication, after careful consideration, consultation and fair argument. The arbitrary orders of an incompetent person will properly bring a board into great disrepute.

The type of man or woman who is adapted for this branch of service should not be hard to discover. Without any question members of such Boards should

not be politicians, or persons found in the retinue of politicians. Not more than a public school should such a bureau fall under influences of this character. One member can well be an upstanding and honorable lawyer. The others can properly be persons who have had to do with education, social welfare service, or with literature and art. The appointing agencies should be in no kind of doubt on such a point. Though they may fill every other department of government with the riff-raff of the political party here is one place, in the guardianship of childhood, and the protection of society from an enemy, where there is room for only the finest judgment and the highest probity.

Yet I have in mind a law which was passed only for the reason, I think, of providing a lucrative place for a member of a state legislature and some of his friends. When his administration came to an end the whole bureau fell into the hands of the "boss" of a city who filled it with his "division leaders." Though it was made the duty of the chairman of the board, with the approval of the governor, to fill the salaried places provided for by the law, the "boss" found the occasion in the Governor's absence in midsummer to remove a dozen persons attached to one political faction and to set a dozen more of opposite factional affiliations in their room. Two or three members of the Board helplessly looked on while action was taken which, when it came to the Governor's attention, he could not very well revoke.

Again one was chosen for chairman of such a board

by a power quite outside of the administration. The Governor entrusted with the appointing power had not seen the candidate. The choice had been made weeks before the matter was brought to his notice. The man was examined like a horse at an auction, shown here and shown there, fed and wine, and, meeting the requirements of his sponsors, the news that he was to be appointed was put into circulation in the street. It was for the Governor merely a question of issuing a commission. Though he was convinced of the unsuitable character of the person whom he was to name to the office he gave his sanction to the proceeding.

Every prediction as to want of ability in the incumbent was verified. He gave no attention to his duties, was incompetent indeed for the performance of them.

A member of a board whose term was about to expire had the most definite promises from a Governor as to his reappointment, but secret and sinister influences brought the will of that high officer to naught. He confidently believed that he would be able to obey his own impulses. But outsiders decreed otherwise. The news of what the Governor would finally do came from many sources, traceable to the purloins of the industry. It was known in Boston, where the member had spoken for a censorship law proposed for enactment in that state, it was known in Los Angeles before it was determined at the capital of the state in which the board exercised its functions. Official denials of such interference on the part of a corrupting interest but led to greater activity on the part of persons who had no duty or responsibility in the matter under the

law, and, at length, what everyone else, except the Governor himself, knew about, received his endorsement and came to pass.

Not infrequently the picture, by a system quite at variance with every calculation, is viewed by a single member of a board. The other two have employments of their own, as lawyers, newspaper writers or politicians. They are mere job-holders. Their absence from the office for days at a time has seemed to excite no surprise. I entered a board room in one state a few years ago. The woman was in charge. In several weeks she had not seen the chairman, who was in a hospital. Of the other man she knew nothing. He scarcely ever, since the date of his appointment, had graced the office with his presence. In still another case the woman member was nearly always absent. The actual physical work of review was performed by a rustic citizen who had once been mayor of a little town, and who seemed to have but small fitness for his tasks. But he, in a short while, when he had barely come to know the subject, was set out of the place in favor of a more sophisticated politician, bred to the profession in a large city.

In another instance within my experience a chairman has never looked at a film as the law requires him to do. His outside occupations are such that he can visit the office for but a little while at noon. He conceives it to be enough if he attend to some small matters of administration which, however, are decided for him by a clerk of more experience and competency, who, to perform his duties, comes in a Pullman car

from another city two or three times in a week at public expense, that he may counsel the titular holder of the office.

Again a chairman was wont to confer with the officers and attorneys of a large picture distributing corporation. He arrived at and announced decisions behind the backs of the other two members of the board, either on his own motion, or in conference with a legal officer of the state, who held similarly low views of the public service. Observations made to the Governor that such a course was contrary to law, as well as to policy, did not meet with his reprobation. Board meetings were never held. When action which was desired by sinister forces could not be secured otherwise the advice of individual judges, to whom appeal might be made, though only by the picture interests in regular course of law, was taken in their chambers, and settlements were reached with the appearance of high authority in defiance of the judgments of a majority of the board's membership.

The principal interest of another censor whom I have in mind, in addition to the salary which was paid him and the places which the office provided him for a number of his political friends, consisted in attaching his autograph upon the celluloid seals, cemented fast to the pictures in certification of their approval by the board. Thus was his name flung out for an advertisement of his unknown person before every audience in every theatre in the state.

The members of one board of which I know do not scruple to attend the dinners of organizations of men

engaged in the picture-selling trade, and to conduct themselves thereat in discreditable ways. Governors are present at the laying of corner-stones of theatres. Deputies in the offices of attorney-generals reveal themselves as advocates of the industry. Lawyers who are friends of members of the board, or stand close to the offices of governors or attorney-generals, are retained for service in courts on appeal from the decisions of the board concerning pictures. Appellants choose to sit upon their cases the judges from whom they have the most hope of obtaining a favorable opinion. A board which is not skilful will be jockeyed out of its eyes.

Recently members of a number of the state boards were taken to California by a rich moving-picture magnate at the expense of a producing company to look at one of his films, which he wished to advertise. At the same time this producer would have the assembled delegates agree upon a common course of action in their judgment of film. The Governor of but one state, so far as I am informed, had the discretion to prohibit his reviewers of pictures from making the journey at the cost of the industry. The tourists went up the Pacific Coast as its guests and came home through the Canadian Rockies. One of the censors was accompanied on the trip by a clerk; the two had been in California a few months before at the expense of the government of the state which employed them, ostensibly to make some treaty with the picture interests, the nature of which was never disclosed, in reality to visit Los Angeles, the Grand Canyon of the Colo-

rado and Pike's Peak, which in their limited lives they had never seen.

It is sometimes provided by law, as in Quebec, that censors shall have no kind of pecuniary connection with the picture industry, a very admirable precaution which would at once answer the plea so frequently and so insinuatingly made that the trade should have one representative on each board on account of his superior understanding of the questions which arise for determination. To this prohibition another could well be added—that censors should not be attorneys for picture companies, or press agents or newspaper writers, whose prosperity in employment outside of the state offices which they hold, depends upon the advertising patronage of interests bound up with the theatre.

It has been said frequently that to secure a higher type of public servants in this country we need to increase their salaries. When this has been done the Governors have gone to the same sources for their appointees. Indeed, the offices then are the more sought after by those who are incompetent to occupy them. Still will the man who is chosen decline to give his entire time to his duties. The hopes felt and expressed, that citizens, living apart from professional party activity, will be selected, are disappointed. The harvest is dead sea fruit.

So much has been done by the Governors on several accounts. That it may be done at all is due to the fact that here is a branch of service which is generally made light of. It is one of the politicians' back alleys. The work is carried on to satisfy the qualms of some

church people and a few women. For the state forester, or the head of a highway bureau, or the chief officer of the department of public instruction some man of qualification is usually chosen. This is a great matter in full view. But a large number of useless persons are brought to a Governor by local "bosses" in this American democracy. Places must be found for them. They are dumped into the corners where they cannot be seen. Thus it is that incompetent, oftentimes laughably unsuitable people are set at the task of viewing and passing upon the merits of pictures. One of the most important branches of social service falls into irreverent hands. Here, as in so many departments of government, we almost despair of reform, because of the want of civil service laws in our states, of the want of a serious spirit, indeed, affecting public administration generally at the state capitals.

It is on this account that intelligent opinion is turning to Federal control. The standards of service in Federal office have been so greatly improved in a few years that we have more to hope from it than from state action. What goes forward in the nation is kept under closer observation. As a rule a higher type of citizen is chosen for a Federal board than for membership on a commission acting in a state. Some sense of pride in the nation saves us from the pettiness which we exhibit in directing our common affairs in Pennsylvania, New Jersey, Maryland or Illinois.

In any event motion picture control is a subject which calls for general action, in so far as action may

be taken generally by the national government. The industry directly affected will prefer that rules for its conduct shall be formulated at a central point, and that they shall be uniformly stated and uniformly administered. The diverse rulings and decisions of many states lead to confusion. If they cannot be brought into harmony, as seems unlikely with the want of good material for leadership in such a matter in the state boards as they now are constituted, it were better to have a board at Washington composed of, say, five competent men and women, who will, with dignity, knowledge and efficiency, perform this important work, and set the pace for the enforcing bodies in the states. To this point we came years ago in reference to the railroads and many other subjects of popular concern.

In 1906 after the nation had exercised the greatest forbearance in the circulation among and the use by the people of spurious and deleterious drugs, and adulterated, spoiled and even poisonous foods, Congress overbore the opposition of corrupt commercial interests and passed the Pure Food and Drug Act.¹ Enforced by Dr. Wiley, the enactment of this law will be held, by any honest appraisal, to mark one of the most important eras in the history of social legislation in this country. The states have not been relieved of their duties concerning examination and licensure, but here is a great centralized, standardized influence for a government of the general subject in accordance with proper and just rules. Enlightened judgments, hon-

¹ Act of June 30, 1906.—U. S. Statutes at Large, vol. 34, pt. 1, pp. 768-77.

estly and firmly conveyed to the producing forces in the picture industry, will give us film free of the features now rightly complained of. What is plainly inexcusable, and is made use of for no reason except gain, will be eliminated, perforce, and we shall have a screen which is given over to wholesome entertainment only.

The precedent for action, if any be needed, may be found in the law of Congress of July 31, 1912, prohibiting interstate commerce in pictures dealing with prize-fights.¹ Thus, within recent memory, was the circulation of film, showing the motions of two pugilists in Ohio, prevented outside of the borders of that state; thus was film of a similar event in New Jersey confined within the boundaries of that commonwealth. Whether such legislation be meant for the discouragement of prize-fighting to the extent that it may reduce the hope of profit arising from such encounters, or for the protection of society by keeping man, woman and child everywhere from witnessing such photographic representations, is not entirely clear. Most persons

¹ "It shall be unlawful for any person to deposit, or cause to be deposited in the United States mails for mailing or delivery, or to deposit or cause to be deposited with any express company, or other common carrier for carriage, or to send or carry from one state or territory of the United States or the District of Columbia to any other state or territory of the United States or the District of Columbia, or to bring or cause to be brought into the United States from abroad, any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, which is designed to be used, or may be used for purposes of public exhibition."—U. S. Statutes at Large, vol. 37,

1, pp. 240-41.

acquainted with the facts would vastly prefer the interstate circulation of a prize-fight film to fifty films relating to other subjects which are freely traded in at the present time. I should rather send a prize-fight to the youth of the land than a diatribe on malpractice, venereal disease, prostitution, the "high life" of New York, or the "low life" of the Sierras. Something may be said for boxing and fighting in a ring as a "manly art"; no word of defense can be uttered for the commercialization of sex in pictures which go about night after night from hamlet to hamlet in the guise of entertainment for the demoralization of the population.

It may be presumed that no control will be exercised that is not just. The excited denunciations of those of us who are speaking on this subject by the picture authorities, their press and their politicians, need give us no concern. It is not the guidance of prudes which is asked for. Such persons in such places would be as unacceptable to me as to the picture producer. The fair, present, indispensable need is for standards of a reasonable character which will keep out of circulation film that is neither informational nor entertaining (considered from any proper standpoint), that teaches no lesson, serves no art, that, in a word, exists only that a producer may make some new raid upon the curiosity of the public, to fill his money bags. The Pure Food and Drug law had for its object the stomachs of the people, their good health, their physical welfare. Here is a proposed law which will put some kind of barriers around their minds and spirits. It

will keep them out of the company of degenerates as they look upon the screen in the picture house. The theatre will be a place to which they may go without being made acquainted with all the wickedness of the ancient and modern world.

It is a child's right to grow up to man and womanhood without seeing the interior of a house of ill fame, an opium joint, a thieves' fence, bloody murder, a woman in travail, or a rape. It is a parent's right to know that a child, when he or she goes out for an afternoon or night of entertainment, will not come home with a mind filled with stories woven around the lowest forms of vice and crime. It is society's right that it shall be secured against exhibitions, to all sorts and conditions of people, of these subjects wound into picture plays.

So far as one can gauge public sentiment, a time is at hand when what has gone on freely hitherto will not be tolerated much longer. To "lose" the copy of a bill at a day when it was too late to introduce another into the legislature, as in Missouri; to threaten to close all the theatres and altogether withhold pictures from the state, if a censor law should be enacted, as was done in Nebraska; to scurrilously attack on the screen a leading minister of the Church and the members of his family while he was leading a censorship campaign, as in North Carolina; to base unfavorable committee reports and Governors' vetoes upon the opinions of attorney-generals as to the unconstitutionality of action which they themselves earlier declared to be valid, and which has been covered amply by an opinion of the

Supreme Court of the United States, as in Massachusetts and other states, will avail for a short while. The American love of fair play must lead to a revulsion of feeling, as soon as the contest reaches the open, which will sweep aside such methods, as effective as they may be for a time, and will lead to free and honorable action in the public interest.

A Federal law has come to have the support of all who are intelligently concerned with the outcome of this moral controversy. It need not be censorship; it can be mere control, though this will necessarily mean preview, plus advice to makers at the beginning, if they wish to avail themselves of such knowledge as may be had on the points in question before they start with their undertaking. On this account, as has been proposed, the board or commission should have branch offices in New York and Los Angeles, near the centres of production. The most upright, the most enlightened persons in art, literature, and in the philosophy lying back of such a form of public activity, should be put in charge of the service, which I should account, if it were properly performed, among the most difficult to be assigned to any officer of government. A very large amount of dissension will be obviated by a full understanding beforehand between the board and the producers. Their intuition is quick, their comprehension large. Few dullards have high places in the picture business. A statement of the case, made with the voice of authority, will confine grave offending to books and crannies in the states where local provision can be made for dealing with it.

The chicanery which has delayed the movement a proper supervision of the "movie" has been put. It has been entirely unworthy of the great business behalf of which it has been called forth, of that upon which we are asked to believe that this business rests.

If voluntary association had sufficed to reach evils of which complaint is made it is quite certain that the interposition of the state would not have been called for. If frank and straightforward efforts had been made a few years ago to correct the wrongs those who are responsible for it, it can be believed that the forceful movement, of which this little volume perhaps, an expression, would not have gained force. That there were men in the industry who saw this times is to their credit; that they could not make their views prevail is but further proof of the need of a law by the state, a conclusion arrived at, not through their own experience alone, but as a result of the experience of the world.

Before we shall come to a Federal law, however, we fully anticipate new proposals on the part of the picture industry intended to extend the period of its freedom to do as it will. The legislative sessions of the year yielded a variety of rules and standards which a number of leaders declared that they would put into force in their studios. A reading of the periodical literature of the screen will reveal similar pledges on the part of the same men, or their predecessors interested in this industry. It is born of precisely the same thought which in the early years of motion picture

velopment brought forth the "National Board of Censors."

That was an infinitely better contrivance. On its face it promised large results. To have all the pictures, as soon as they are made, sent to a reviewing board of disinterested persons, representative of public sentiment, to have cuts ordered in them, if such were needed, to send copies of these cuts to philanthropic persons throughout the country that they might enforce the rulings of the board, was as commendable a proposal as could be devised from the standpoint of the picture business. Men and women cheerfully embraced the opportunity to perform this service and performed it, as they could, until they discovered its futility. When it became plain that the sincere were being beguiled, in one way or another, confidence was shaken. It was clear to the knowing that many pictures were being put into circulation without being submitted to the board, that it was passing film which should not have been passed, that its standards were those of the manufacturer, so that cuts, if they were directed to be made at all, were trifling. Plainly, it did not function, since all, or most of what men and women of good judgment found to be objectionable in the theatres was discovered, upon investigation, to have met its approval. Since it did not serve the purpose, which the producers had in view from year to year in supporting it, namely to satisfy public opinion and stop the agitation for state censorship, interest in it lapsed and it became a shelter for a few paid secretaries. A similar system in England has seemed to

have better management. The producers neglected a large opportunity when they did not put their organization in this country on sounder foundations.

Now other plans will be formulated, if I mistake not the temper of those who control the destinies of the business. Another large voluntary organization of the industry's creation will be proposed as a soporific of our consciences, and we shall see this or that prominent figure, potential as like as not in politics, put forward as a surety of the merit of film. He shall stand out, at the picture man's invitation, for picture money, as the sponsor for the business, certifying in some way to the fine character of the product.

Still the great matter will remain untouched. The tedious labor, the hard contest with the subject will be committed to no one with the intelligence or ability to do that without which no result can be gained. The film man will enjoy the same freedom as before. But some freedom must be surrendered, if there is to be any gain,—not the freedom which is worth anything, which the right-minded manufacturer ought to have, but the freedom for misconduct. The producer who wishes to do right by society must give up the liberty which another may use to do wrong. Until the picture maker reaches this point in his own consciousness he will not understand the purpose of this agitation. No more will he know what is at the basis of the contention than did the dealer in food or drugs who opposed the enactment of the Pure Food and Drug law. This proposed measure is devised for the producer of the bad picture. To declare that the industry will be

ufferer by such legislation, that it cannot survive supervising rules, is a confession that its life now is made to depend upon the doing of that which it is quite conscious that it should not do. Out of its own mouth is it convicted so long as it shall take the attitude that control is hampering to its development, is fatal indeed to its existence. It will not feel the law, or know of any want of freedom, if it shall keep within the boundaries which it should have fixed for its activity in the beginning, and which it never should have crossed.

A New York newspaper has recently said concerning a movement which the picture men have proposed to organize to repeal the law in New York state: "The campaign will apparently be conducted along familiar lines by legislative terrorism. But is it not possible to effect the same result by simpler means and without the necessity of direct action? Why should not the motion-picture interest make a virtual dead letter of the law by conforming to the standards of decency it imposes? It was passed to correct offensive conditions the existence of which many producers admitted. It is in no sense oppressive, and merely compelled a house-cleaning that motion-picture concerns were slow, or disinclined, to undertake on their own initiative. Instead of bringing pressure to bear to abolish the censorship, producers would find a readier route to that end by improving the character of their films to a point where censorship would be merely perfunctory."¹

As far away from the daily experience of the picture industry, if it were rightly organized and responsibly

¹ New York *World*, Dec. 17, 1921.



conducted, would a proper Federal law be as the penalties for mayhem, arson and burglary are from the daily lives of all natural and orderly men.

Rather should those engaged in picture making return to the position of the "Paramount" interests in 1915, when they gave their approval to a proposed Federal measure on the ground that it would rid the field of the rivalry of men with an obnoxious product, provide a general guaranty as to the fitness of film for exhibition, and satisfy public opinion in the only way that it ever can be satisfied.

Appendix

Bill for Censorship by a Federal Commission Endorsed by Large Film Manufacturers in 1916

A BILL to create a commission to be known as the Federal Motion Picture Commission, and defining its powers and duties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That a commission is hereby created and established, to be known as the Federal Motion Picture Commission, which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the commission shall be designated by the President as chairman.

The commissioners first appointed under this Act shall continue in office, two for terms of two years, two for terms of four years, and one for a term of six years, respectively, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Said com-

missioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

SEC. 2. That each commissioner shall receive an annual salary of \$7,500, except that the annual salary of the chairman shall be \$8,000. The commission shall have authority to employ and fix the compensation of deputy commissioners and such other employees as it may find necessary to the proper performance of its duties. Until otherwise provided by law, the commission may hire suitable offices for its use and shall have authority to procure all necessary office supplies and equipment.

All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employees under their orders, in making any investigation or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor by the chairman of the commission.

SEC. 3. That the principal office of the commission shall be in the city of Washington, but it may establish and maintain offices or bureaus wherever efficiency, economy, and the public interest require. Each bureau or office which for the aforesaid reasons is designated by the commission as a place for the submission of films shall be in charge of a commissioner or a deputy commissioner, who shall be vested by the commission with authority to issue licenses and permits, as hereinafter described, in all proper cases.

SEC. 4. That the commission shall promptly license for interstate and foreign commerce every motion-picture

film submitted to it as herein required, unless such film or a part thereof is obscene, indecent, immoral, inhuman, or is a reproduction of an actual bull fight or prize fight, or is of such a character that its exhibition would tend to corrupt morals or incite to crime. If the commission shall not license any film for any of the above reasons, it shall furnish to the applicant a written report clearly setting forth the reasons for its refusal and a description of each rejected part of any film not disapproved in toto, and upon the applicant's filing in the office in which the application for license is filed a statement under oath by the owner or lessee of said film that the part or parts described have been eliminated from the film and all copies thereof a license shall be issued forthwith. But any license obtained upon a false or misleading affidavit or application shall be wholly void ab initio. A copy of such license, or a certificate of its issuance, shall be provided by the commission to accompany each copy or duplicate film so licensed.

SEC. 5. That the commission shall, without inspecting it, issue for any motion-picture film which has been publicly exhibited in the United States prior to the date when this Act is approved, a permit to enter interstate and foreign commerce, only if and when application therefor, in the form and manner prescribed by the commission, is made within sixty days after this Act goes into effect. No fee shall be charged or collected for such permit.

The commission may at any time issue a permit for the entrance into interstate and foreign commerce of any film portraying current events and not otherwise prohibited by law without inspection thereof, provided that when any application for such permit is made the chairman shall designate three commissioners, of whom a

majority shall determine whether the application shall be granted: *Provided, also*, That any permit so granted may be revoked by the concurring votes of any two commissioners upon ten days' notice in writing to the applicant. Thereupon the film may be submitted to the commission for license, as though no permit had ever been granted or revoked.

A copy of each permit, or a certificate of its issuance, shall be provided by the commission to accompany each copy or duplicate film permitted, as in this section provided, in interstate and foreign commerce.

SEC. 6. That any person, firm, or corporation desiring a Federal license or permit for interstate or foreign commerce for any film shall first make sworn application in writing in the form and substance prescribed by the commission. Every such application shall immediately be given a serial number, which, except in the cases of films publicly exhibited before and for which applications for permits are required to be made within thirty days after the approval of this Act, shall, by the producer or manufacturer be made a permanent part of the principal title portion of the corresponding film and every copy thereof in such style as the commission shall prescribe.

Within one day of the filing of an application as in section six provided a time for the submission of the film shall be set, which time shall in no event be more than three days after the date of the filing of the application. At least one of the commissioners or one of the deputy commissioners shall attend upon and be present throughout the exhibition of the film submitted. The applicant may present such evidence in addition to the film as may be necessary or proper to make clear the purpose and intent of the film. All oral evidence shall be recorded by

the commission. The license applied for shall be granted or refused within one day after the hearing.

SEC. 7. All motion-picture films of a strictly scientific character, intended for use only by the learned professions, shall not be required to be presented to the commission for examination and license, provided that the owner thereof, either personally or by his duly authorized attorney or representative, shall file with the commission a description of such film, together with a statement under oath that the said film is not to be exhibited at any private or public place of amusement.

SEC. 8. That the commission shall collect from each applicant for a license or a permit, except as otherwise expressly provided in section five of this Act, a license fee of \$2 for each one thousand feet or fraction thereof of film and 50 cents for each additional copy thereof licensed by the commission: *Provided, however,* That upon the expiration of six months from the date of approval of this Act, and from time to time thereafter, as circumstances warrant, the commission shall revise and fix the fees at such sums as will produce no larger income than is necessary to support the work of the commission, including salaries and all other expenses.

The revocation or cancellation of any license or permit issued shall not entitle the grantee thereof to the return of any fee paid; but the amount of any permit fee paid shall be credited upon the amount otherwise due for any subsequent license fee for the same film.

All fees received by the commission shall be paid monthly into the Treasury of the United States.

SEC. 9. That any applicant for a license shall, in case of refusal, have the right of review by the full commission, whose decision shall be determined by the concur-

ring votes of a majority thereof within five days of the filing of the application for review and submission of the film. On such review the party shall not be limited to the evidence upon which the first refusal was had.

Should a license be refused after such review by the commission the applicant may at any time within ninety days from the date of such refusal appeal from the ruling of the commission to the Court of Appeals of the District of Columbia. Such appeal shall be perfected in the following manner; that is to say, a petition verified by the applicant shall be filed in the office of the clerk of the said court, setting forth a description of the film and a complete record of the original application for license, the initial action thereon and the action of the commission on the application for review. The court may on the hearing of such appeal and as a part thereof attend throughout an exhibition of the film and receive such other evidence as shall be offered by the applicant and by the commission.

SEC. 10. That no person, firm, or corporation shall carry or transport, or cause to be carried or transported, any motion-picture film from or into any State, Territory, or possession of the United States, unless there is for such film at the time in full force and effect a valid license or permit of the Federal Motion Picture Commission, as in this Act specified: *Provided*, That nothing herein shall be construed to prevent the carriage or transportation of any film consigned to or by the commission: *Provided further*, That the provisions of this Act shall not be construed to prevent the carriage or transportation without license or permit by or for the producer of his own original film in good faith for any purpose other than for exhibition for hire and before said film shall be

wholly or in part copied, reproduced, or in any manner made the subject of duplication.

Any change or alteration in a film after license or permit, except the elimination of a part or except upon written direction of the commission, shall be a violation of this Act and shall also make immediately void the license or permit therefor.

SEC. 11. That no motion-picture film shall be exhibited in any place of amusement for pay or in connection with any business, either in the District of Columbia or in any Territory of the United States or in any place where the local police power is under Federal jurisdiction, unless there is then in full force and effect for such film a license or permit of the Federal Motion Picture Commission.

SEC. 12. That a violation of any of the provisions of this Act shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both, and all films transported, exhibited, or changed in violation of the provisions of this Act shall be confiscated.

SEC. 13. The commission provided in this Act shall have the power to issue licenses or permits for motion-picture films for adults only, and no such film shall be exhibited to children under the age of sixteen years.

SEC. 14. That the commission shall make all needful rules and regulations for carrying the provisions of this Act into effect.

SEC. 15. That the commission shall, on or before the first day of December in each year, make a report, which shall be transmitted to Congress, and copies of which shall be distributed as are the other reports transmitted to Congress. In addition to a discussion of the work done by

the commission the report shall include any recommendations of the commission as to legislative amendments, and as to the educational and recreational uses of motion pictures, and especially those suitable for children.

SEC. 16. That the sum of \$90,000, or so much thereof as may be necessary, be, and hereby is, authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this Act.

SEC. 17. That this Act shall take effect thirty days after its approval by the President.

*Pennsylvania Law for Censorship of Moving
Pictures of 1915*

AN ACT relating to motion-picture films, reels, or stereopticon views or slides; providing a system of examination, approval, and regulation thereof, and of the banners, posters, and other like advertising matter used in connection therewith; creating the Board of Censors; and providing penalties for the violation of this act.

SECTION 1. Be it enacted, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, that the word "film" used in this act means what is usually known as a motion-picture film.

The word "view" used in this act means what is usually known as a stereopticon view or slide.

The word "person" includes an association, co-partnership, or a corporation.

SEC. 2. It shall be unlawful to sell, lease, lend, exhibit,

or use any motion-picture film, reel, or view, in Pennsylvania, unless the said film, reel, or view has been submitted by the exchange, owner, or lessee of the film, reel, or view, and duly approved by the Pennsylvania State Board of Censors, hereinafter in this act called the Board.

SEC. 3. The Board shall consist of three residents and citizens of Pennsylvania, two males and one female, well qualified by education and experience to act as censors under this act. One male member of the Board shall be chairman, the female member shall be vice-chairman, and one male member shall be secretary. They shall be appointed by the Governor, for terms of three years. Those first appointed under this act shall be appointed for three years, two years, and one year, respectively; the respective terms to be designated by the Governor.

SEC. 4. A vacancy in the membership of the Board shall be filled for the unexpired term by the Governor. A vacancy shall not impair the right and duty of the remaining members to perform all the functions of the Board.

SEC. 5. The Board shall procure and use an official seal, which shall contain the words, "Pennsylvania State Board of Censors," together with such design engraved thereon as the Board may prescribe.

SEC. 6. The Board shall examine or supervise the examinations of all films, reels, or views to be exhibited or used in Pennsylvania; and shall approve such films, reels, or views which are moral and proper; and shall disapprove such as are sacrilegious, obscene, indecent, or immoral, or such as tend, in the judgment of the Board to debase or corrupt morals. This section shall not apply to announcement or advertising slides.

SEC. 7. Upon each film, reel, or view which has been

approved by the Board there shall be furnished and stamped by the Board the following certificate or statement

Approved by
Pennsylvania State Board
of Censors,

and shall also furnish a certificate in writing, to the same effect, which certificate shall be exhibited to any member of the Board or employee thereof upon demand of the holder thereof.

In the case of motion-pictures, such statement shall be shown on the screen, to the extent of approximately four feet of film.

In the case of slides or views, each set shall have at least two slides or views shown with a similar statement.

SEC. 8. The Board shall keep a record of all examinations made by it of films, reels, or views; noting on the record all films, reels, or views which have been approved, and those which have not been approved, with the reason for such disapproval.

SEC. 9. The Board shall report, in writing, annually, to the Governor, on or after the first day of November of each year. The report shall show:—

1. A record of its meetings, and a summary of its proceedings during the year immediately preceding the date of the report.
2. The results of all examinations of films, reels, or views.
3. A detailed statement of all prosecutions for violation of this act.
4. A detailed and itemized statement of all expenditures made by or on behalf of the Board.
5. Such other information as the Board may deem

necessary or useful in explanation of the operations of the Board.

6. Such other information as shall be requested by the Governor.

SEC. 10. The chairman, vice-chairman and secretary shall, before assuming the duties of their respective offices, take and subscribe the oath prescribed by the Constitution of Pennsylvania, and shall enter into bonds to the Commonwealth in the sum of three thousand dollars, two thousand five hundred dollars, and two thousand four hundred dollars, respectively, conditioned for the faithful performance of their duties.

SEC. 11. The chairman shall receive an annual salary of three thousand dollars; the vice-chairman, an annual salary of two thousand five hundred dollars; and the secretary, an annual salary of two thousand four hundred dollars. The salaries shall be payable monthly.

SEC. 12. Each member and employee of the Board shall be allowed all expenses, of whatsoever nature, actually and necessarily incurred by him or her in carrying out the purposes of this act.

SEC. 13. The chairman shall appoint, with the approval of the Governor, the following employees: One chief clerk at a salary of eighteen hundred dollars; one assistant clerk, at a salary of fifteen hundred dollars; one assistant clerk, at a salary of twelve hundred dollars; two stenographers and typewriters, at salaries of one thousand dollars each; two stenographers and typewriters, at salaries of seven hundred and twenty dollars each; one chief inspector, at a salary of fifteen hundred dollars; three inspectors, at salaries of fourteen hundred dollars each; three inspectors, at salaries of twelve hundred dollars each; one operator, who shall be an elec-

trician, at a salary of fourteen hundred dollars; two operators, at salaries of twelve hundred dollars each; one operator, at a salary of one thousand dollars; two messengers, at salaries of seven hundred and twenty dollars each; one assistant operator or patcher, at a salary of six hundred dollars; one assistant patcher, at a salary of four hundred and eighty dollars. The salaries provided for above shall be annual, and payable monthly.

In addition to the employees enumerated above, the chairman may, with the approval of the Governor, appoint such additional employees as the work of the Board may necessarily require. The salaries of such additional employees shall not exceed, in the aggregate, the sum of five thousand dollars annually.

SEC. 14. The Board of Commissioners of Public Grounds and Buildings shall provide adequate offices for the Board in Harrisburg, and in such other cities of the Commonwealth as the Board may require in carrying out the intent and provisions of this act. Adequate projecting or inspecting-rooms shall be provided in Philadelphia, and maintained by the Board.

SEC. 15. Upon requisition of the Board, the Board of Commissioners of Public Grounds and Buildings shall furnish to the Board all furniture, books, stationery, supplies, machines, and paraphernalia necessary in the work of the Board.

SEC. 16. The printing and binding necessary for the proper performance of the duties of the Board, or the proper preservation of the records of the Board, including the printing of two thousand copies of the Annual Report and the binding thereof, shall be done by the State Printer, upon the order of the Superintendent of Public Printing and Binding, upon requisition of the Board.

SEC. 17. For the examination of each film, reel, or set of views of one thousand two hundred lineal feet, or less, the Board shall receive, in advance, a fee of one dollar, and one dollar for each duplicate or print thereof, which must be applied for at the same time and by the same person.

SEC. 18. All fees received by the Board and all fines imposed for violation of this act shall be, by the Board, paid into the State Treasury.

SEC. 19. The money necessary to carry out the purpose of this act shall be appropriated by the General Assembly to the Board, biennially, as an item in the general appropriation bill.

SEC. 20. Any member or employee of the Board may enter any place where films, reels, or views are exhibited; and such member or employee is hereby empowered and authorized to prevent the display or exhibition of any film, reel, or view which has not been duly approved by the Board.

SEC. 21. No banner, poster, or other like advertising matter shall contain anything that is immoral or improper. A copy of such banner and poster shall be submitted to the Board.

SEC. 22. This act shall be enforced by the Board. In carrying out and enforcing the purposes of this act, it may adopt such reasonable rules as it may deem necessary. Such rules shall not be inconsistent with the laws of Pennsylvania.

SEC. 23. All disbursements of such nature as to make it impracticable for the Board to file, with the Auditor General, itemized receipts or vouchers prior to the advance by the accounting officers of funds sufficient to meet such expense, shall be paid out of money specifi-

cally appropriated for that purpose, in the manner provided by an act, entitled "An act prescribing a method for disbursing and accounting for certain appropriations to the departments, bureaus, commissions, and other branches of the State Government," approved April twenty-third, Anno Domini one thousand nine hundred and nine.

SEC. 24. Every person intending to sell, lease, exhibit, or use any film, reel or view in Pennsylvania, shall furnish the Board, when the application for approval is made, a description of the film, reel, or view to be exhibited, sold, or leased, and the purposes thereof; and shall submit the film, reel, or view to the Board for examination; and shall also furnish a statement or affidavit that the duplicate film, reel, or view is an exact copy of the original film, reel, or view, as submitted for examination to the Board; and that all eliminations, changes, or rejections, made or required by the Board in the original film, reel, or view, have been or will be made in the duplicate.

SEC. 25. It shall be unlawful for any person to hinder or interfere in any manner with any member or employee of the Board while performing any duties in carrying out the intent or provisions of this act.

SEC. 26. If any elimination or disapproval of a film, reel, or view is ordered by the Board, the person submitting such film, reel, or view for examination will receive immediate notice of such elimination or disapproval, and, if appealed from, such film, reel, or view will be promptly reexamined, in the presence of such person, by two or more members of the Board, and the same finally approved or disapproved promptly after such reexamination, with the right of appeal from the

decision of the Board to the court of common pleas of the proper county.

SEC. 27. Any person who violates any of the provisions of this act, and is convicted thereof summarily before any alderman, magistrate, or justice of the peace, shall be sentenced to pay a fine of not less than twenty-five dollars, nor more than fifty dollars, for the first offense. For any subsequent offense the fine shall be not less than fifty dollars, nor more than one hundred dollars. In default of payment of a fine and costs, the defendant shall be sentenced to imprisonment, in the prison of the county where such offense was committed, for not less than ten days, and not more than thirty days. All fines shall be paid by the alderman, magistrate or justice of the peace to the Board, and by it paid into the State Treasury.

SEC. 28. If any person shall fail to display or exhibit on the screen the approval seal, as issued by the Board, of a film, reel, or view which has been approved, and is convicted summarily before any alderman, magistrate, or justice of the peace, he shall be sentenced to pay a fine of not less than five dollars and not more than ten dollars; in default of payment of a fine and costs, the defendant shall be sentenced to imprisonment, in the prison of the county where such offense was committed, for not less than two days and not more than five days.

SEC. 29. This act does not apply to any exhibition of or use of films, reels or views, for purely educational, charitable, fraternal, or religious purpose, by any religious association, fraternal society, library, museum, public school, or private school, institution of learning, or by any corporation of the first class.

SEC. 30. The several sections and provisions of this

act are hereby declared to be independent of each other; and it is the legislative intent that, if any of said sections or provisions are declared to be unconstitutional, such section or provision shall not affect any other portion of this act.

SEC. 31. The act approved the nineteenth day of June, one thousand nine hundred eleven, entitled "An act regulating the exhibiting or using of moving pictures and stereopticon views; providing for and regulating the examination and approval of moving-picture films or reels and stereopticon views; and fixing penalties for the violation of this act," and all other acts or parts of acts inconsistent herewith, are hereby repealed.

Standards of the Pennsylvania Board

- (1) The Board will condemn pictures, and parts of pictures, dealing with "white slavery." The procurement and prostitution in all forms, of girls, and their confinement for immoral purposes may not be shown upon the screen, and will be disapproved. Views of prostitutes and houses of ill-fame will be disapproved.
- (2) Pictures, and parts of pictures, which deal with the seduction of women, particularly the betrayal of young girls, and assaults upon women, with immoral intent, will be disapproved.
- (3) Prenatal and childbed scenes, and subtitles describing them, will be disapproved.
- (4) Pictures, and parts of pictures, dealing with the drug habit; e. g., the use of opium, morphine, cocaine, etc., will be disapproved. The traffic in

habit-forming drugs is forbidden and visualized scenes of their use will be disapproved.

- (5) Scenes showing the modus operandi of criminals which are suggestive and incite to evil action, such as murder, poisoning, house-breaking, safe-robbery, pocket-picking, the lighting and throwing of bombs, the use of ether, chloroform, etc., to render men and women unconscious, binding and gagging, will be disapproved.
- (6) Gruesome and unduly distressing scenes will be disapproved. These include shooting, stabbing, profuse bleeding, prolonged views of men dying and of corpses, lashing and whipping, and other torture scenes, hangings, lynchings, electrocutions, surgical operations, and views of persons in delirium or insane.
- (7) Studio and other scenes, in which the human form is shown in the nude, or the body is unduly exposed will be disapproved.
- (8) Pictures, and parts of pictures, dealing with abortion and malpractice, will be disapproved. These will include themes and incidents having to do with eugenics, "birth control," "race suicide" and similar subjects.
- (9) Stories, or scenes holding up to ridicule and reproach races, classes or other social groups, as well as the irreverent and sacrilegious treatment of religious bodies or other things held to be sacred will be disapproved. The materialization of the figure of Christ may be disapproved.
- (10) Pictures which deal with counterfeiting, will be disapproved.
- (11) Scenes showing men and women living together

without marriage, and in adultery, will be disapproved. Discussion of the question of the consummation of marriage, in pictures, will be disapproved.

- (12) The brutal treatment of children and of animals may lead to the disapproval of the theme, or of incidents in film stories.
- (13) The use of profane and objectionable language in subtitles, will be disapproved.
- (14) Objectionable titles, as well as subtitles of pictures, will be disapproved.
- (15) Views of incendiarism, burning, wrecking and the destruction of property, which may put like action into the minds of those of evil instincts, or may degrade the morals of the young, will be disapproved.
- (16) Gross and offensive drunkenness, especially if women have a part in the scenes, will be disapproved.
- (17) Pictures which deal at length with gun play, and the use of knives, and are set in the underworld, will be disapproved. When the whole theme is crime, unrelieved by other scenes, the film will be disapproved. Prolonged fighting scenes will be shortened, and brutal fights will be wholly disapproved.
- (18) Vulgarities of a gross kind, such as often appear in slapstick and other screen comedies, will be disapproved. Comedy which burlesques morgues, funerals, hospitals, insane asylums, the lying-in of women and houses of ill-fame, will be disapproved.
- (19) Sensual kissing and love making scenes, men and

women in bed together and indelicate sexual situations, whether in comedies or pictures of other classes, will be disapproved. Bathing scenes, which pass the limits of propriety, lewd and immodest dancing, the needless exhibition of women in their night dresses or underclothing, will be disapproved.

- (20) Views of women smoking will not be disapproved as such, but when women are shown in suggestive positions or their manner of smoking is suggestive or degrading, such scenes will be disapproved.
- (21) Pictures or parts of pictures which deal with venereal disease, of any kind, will be disapproved.
- (22) That the theme or story of a picture is adapted from a publication, whether classical or not; or that portions of a picture follow paintings or other illustrations, is not a sufficient reason for the approval of a picture or portions of a picture.
- (23) Themes or incidents in picture stories, which are designed to inflame the mind to improper adventures, or to establish false standards of conduct, coming under the foregoing classes, or of other kinds, will be disapproved. Pictures will be judged as a whole, with a view to their final total effect; those portraying evil in any form which may be easily remembered or emulated, will be disapproved.
- (24) Banners, posters or other advertising matter, concerning motion pictures, must follow the rules laid down for the pictures themselves. That which may not be used upon the screen, must not

be used, to announce and direct public attention to the picture, in the lobby, on the street, or in any other form.

The Law of New York of 1921

AN ACT to regulate the exhibition of motion pictures, creating a commission therefor, and making an appropriation therefor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Motion picture commission. A commission is hereby created, to be known as the motion picture commission of the state of New York, which shall be composed of three commissioners, who shall be appointed by the governor, by and with the advice and consent of the senate. One of the commissioners shall be designated by the governor as chairman, and one as secretary. Each of the commissioners shall be a citizen of the United States, with qualifications by education and experience for the duties of the office. Any commissioner may, after notice and an opportunity to be heard, be removed by the governor for inefficiency, neglect of duty or misconduct in office.

SEC. 2. Term of office. The term of office of each commissioner shall be five years, except that the commissioners first appointed shall continue in office until the last days of the calendar years nineteen hundred and twenty-two, nineteen hundred and twenty-four and nineteen hundred and twenty-five, respectively, the term of each to be designated by the governor; but any person chosen to fill a vacancy shall be appointed only for the

unexpired term of the commissioner whom he or she shall succeed. No vacancy in the commission shall impair its rights, powers or duties, which shall be exercised by the remaining commissioners.

SEC. 3. Salaries; expenses. Each commissioner shall receive an annual salary of seven thousand five hundred dollars. The commission shall have the authority to appoint, and at pleasure to remove, such deputies, inspectors and other employees as may be needed, to prescribe their powers and duties, and to fix their compensation within the amounts appropriated therefor. The members and employees of the commission shall be allowed all expenses actually and necessarily incurred, by direction of the commission, by each of them in carrying out the purposes of this act.

SEC. 4. Offices. The principal offices of the department shall be in the city of Albany, in rooms to be designated by the trustees of buildings as provided by law, but the commission may establish and maintain offices or bureaus wherever efficiency, economy and the public interest require. Each bureau or office designated by the commission as a place for the submission of films shall be in charge of a commissioner or deputy commissioner, who shall be vested by the commission with authority to issue licenses or permits, as hereinafter described, in all proper cases.

SEC. 5. Licenses. The commission shall cause to be promptly examined every motion-picture film submitted to it as herein required, and unless such film or a part thereof is obscene, indecent, immoral, inhuman, sacrilegious, or is of such a character that its exhibition would tend to corrupt morals or incite to crime, shall issue a license therefor. If the commission shall not license any

film submitted, it shall furnish to the applicant therefor a written report of the reasons for its refusal and a description of each rejected part of a film not rejected in toto.

SEC. 6. Permits. (a) Used films. The commission shall, without inspecting it, issue for any motion-picture film which has been publicly exhibited in the state of New York prior to August first, nineteen hundred and twenty-one, and which has not been the subject of official objection in said state, a permit, only if and when application therefor as herein provided shall be made within thirty days after this act goes into effect. The fee for each such permit shall be at the rate of two dollars for each film of one thousand feet or less and for each one thousand feet or less in excess thereof, whether original or duplicate copy.

(b) "Current event" films. The commission may at any time issue a permit for any film portraying current events and not otherwise prohibited by law, without inspection thereof.

(c) Scientific and educational films. The commission shall issue a permit for every motion-picture film of a strictly scientific character intended for use by the learned professions, without examination thereof, provided that the owner thereof, either personally or by his duly authorized attorney or representative, shall file the prescribed application, which shall include a sworn description of the film and a statement that the film is not to be exhibited at any private or public place of amusement. The commission may, in its discretion, without examination thereof, issue a permit for any motion-picture film intended solely for educational, charitable or religious purposes, or by any employer for the instruction or welfare of his employees, provided that the owner thereof, either

personally or by his duly authorized attorney or representative, shall fill the prescribed application, which shall include a sworn description of the film.

No fee shall be charged for any such permit.

SEC. 7. Permits revocable. Any permit issued as herein provided may be revoked by the commission five days after notice in writing is mailed to the applicant at the address named in the application. Thereafter, any such film may be submitted to the commission only in the manner provided for license.

SEC. 8. Fees. The commission shall collect from each applicant for a license or a permit, except as otherwise expressly provided in this act, a fee of three dollars for each one thousand feet or fraction thereof of original film and two dollars for each additional copy thereof licensed or permitted by the commission. The revocation or cancellation of any license or permit issued shall not entitle the grantee thereof to the return of any fee paid. All fees received by the commission shall be paid monthly into the treasury of the state of New York.

SEC. 9. Applications. No license or permit shall be issued for any film unless and until application therefor shall be made in writing in the form, manner and substance prescribed by the commission, and accompanied by the required fee. Such application shall immediately be given a serial number which shall by the producer, owner or applicant be made a permanent part of the principal title portion of the corresponding film and every copy thereof for which the permit or license is applied, in such style and substance as the commission shall prescribe.

SEC. 10. Review. Any applicant for a license shall, in case of refusal, have the right of review by the full commission, whose decision shall be determined by the

concurring votes of a majority thereof within five days of the filing of the application for review and submission of the film. A determination of such commission refusing a license also shall be reviewable by certiorari, at the instance of the applicant.

SEC. 11. Licenses and permits void. Any license or permit issued upon a false or misleading affidavit or application shall be wholly void ab initio. Any change or alteration in a film after license or permit, except the elimination of a part or except upon written direction of the commission, shall be a violation of this act and shall also make immediately void the license or permit therefor. A conviction for a crime committed by the exhibition or unlawful possession of any film in the state of New York shall per se revoke any outstanding license or permit for said film and the commission shall cause notice thereof to be sent to the applicant or applicants. The judgment of any court of this state condemning any film as in violation of the penal law shall per se revoke any outstanding license or permit for such film and the commission shall cause notice thereof to be sent to the applicant or applicants.

SEC. 12. Unlawful use or exhibition. It shall be unlawful to exhibit, or to sell, lease or lend for exhibition at any place of amusement for pay or in connection with any business in the state of New York, any motion-picture film or reel, unless there is at the time in full force and effect a valid license or permit therefor of the motion picture commission of the state of New York, and unless such film or reel shall contain for exhibition upon the screen identification matter in the substance, style and length which the commission shall prescribe.

SEC. 13. Posters, banners, et cetera. No person or

corporation shall exhibit or offer to another for exhibition purposes any poster, banner or other similar advertising matter in connection with any motion-picture film which poster, banner or matter is obscene, indecent, immoral, inhuman, sacrilegious or of such a character that its exhibition would tend to corrupt morals or incite to crime. If such poster, banner or similar advertising matter is so exhibited or offered to another for exhibition it shall be sufficient ground for the revocation of any permit or license issued by the commission.

SEC. 14. Penalty. A violation of any of the provisions of the act shall be a misdemeanor.

SEC. 15. Enforcement; rules and regulations. The commission shall have authority to enforce the provisions and purposes of this act; but this shall not be construed to relieve any state or local peace officer in the state from the duty otherwise imposed of detecting and prosecuting violations of the laws of the state of New York. In carrying out and enforcing the purposes of this act, the commission may make all needful rules and regulations not inconsistent with the laws of the state of New York.

SEC. 16. Reports. The commission shall, on or before the fifteenth day of January in each year, make a detailed report to the governor, copies of which shall be distributed as are other similar reports. The report shall show:

(a) A record of its meetings and a summary of its proceedings during the year.

(b) The results of all examinations of films.

(c) A detailed statement of all prosecutions hereunder.

(d) A detailed statement of all receipts and disbursements made by or in behalf of the commission.

(e) Other information requested by the governor.

(f) A discussion of the work done by the commission, and any recommendations by the commission of legislative amendments to this act and recommendations as to the educational and recreational uses of motion-pictures and as to those especially suitable for children.

SEC. 17. Constitutionality. If any section or provision of this act shall at any time be declared to be unconstitutional, it is the expressed legislative intent that no other section or provision hereof be thereby affected.

SEC. 18. The sum of seventy thousand dollars (\$70,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act. Such money shall be payable by the treasurer on the warrant of the comptroller on the certificate of the chairman of the commission.

SEC. 19. This act shall take effect August first, nineteen hundred and twenty-one.

*Proposed Ordinance of Chicago, Recommended
by the Chicago Motion Picture
Commission, 1921*

AN ORDINANCE to establish an executive department of the municipal government of the city of Chicago, which shall be known as the Motion Picture Department; defining the duties of said department, and providing for the appointment of the heads thereof; providing for the issuance or refusal of permits for the exhibition of motion pictures and advertising posters and signs in connection therewith; providing

for penalties for the violation of said ordinance and repealing certain ordinances relating to motion pictures.

Be it ordained by the City Council of the City of Chicago:

SECTION 1. It shall be unlawful for any person, firm or corporation to show or exhibit in a public place or in a place where the public is admitted anywhere in the city of Chicago any picture or series of pictures of the classes or kinds commonly known as mutoscopes, kinetoscopes, cinematographs, and such picture or series of pictures as are commonly shown or exhibited in the so-called penny arcades, and in all other automatic or moving picture devices, whether an admission fee is charged or not, without a permit therefor having first been secured from the Motion Picture Department, as herein required; *Provided:* This ordinance shall not apply to any exhibition of or use of films, reels or views, for purely educational, charitable, or religious purpose by any religious association, library, museum, public or private school, or other institution of learning, or medical association.

SEC. 2. It shall be unlawful for any person, firm or corporation to lease or transfer, or otherwise put into circulation, any motion picture plates, films, reels, or other like apparatus from which a series of pictures for public exhibition can be produced, to any exhibitor of motion pictures, for the purpose of exhibition within the city, without first having secured a permit therefor, as herein provided.

SEC. 3. It shall be unlawful for any person, firm or corporation, proprietor, operator or manager of any theater, or other place of amusement, in the city of Chicago, open to the public, in which motion pictures are shown,

to exhibit on any building, bill-board, or other structure any banners, posters, signs of any kind or other like advertising matter concerning motion pictures without first having submitted the same to the inspection of the Motion Picture Department and received the approval and label of said department on said banners, posters, signs of all kinds or other like advertising matter as herein provided.

SEC. 4. There is hereby established an executive department of the municipal government of the city of Chicago, which shall be known as the Department of Motion Pictures, and which shall be in charge and under the supervision of three members to be appointed by the Mayor, by and with the consent of the City Council; one of whom shall have been engaged in social service work; one in educational work and one in professional or business life. Both sexes shall be represented on the Board. Two members of said department shall constitute a quorum. No member of said department shall hold any other lucrative office of employment under the United States, the State of Illinois, or any municipal corporation, or political division thereof, and each member of the department shall devote the business hours of the day to the work of the department. Each member of said department, before entering upon the duties of the office, shall take the oath prescribed by the constitution of this state. At the first meeting of the members of the department, they shall select from among their number a chairman, who shall preside at all meetings of the department, and a vice-chairman, who shall, in the absence of the chairman, preside at the meetings, and a secretary from among their number, who shall keep and preserve all records of the department, and of its acts and doings.

The members of said department may be assisted from time to time in the work of the department by any person or persons assigned to the department by the Civil Service Commissioners of the city.

It shall be the duty of the said Department of Motion Pictures to pass on all applications for permits for exhibition of motion pictures; to issue said permits or to reject any such applications, if the picture or series of pictures accompanying said application violates the provision of this ordinance. Also to pass on all banners, posters or like advertising matter used in connection with and to advertise the motion pictures.

Before any permit, as provided for in Section One hereof, is granted, an application in writing shall be made therefor, and the films, plates, rolls or other like apparatus by or from which such pictures or series of pictures are produced, or the picture or series of pictures to be shown or exhibited shall be deposited with the Department of Motion Pictures together with said application. Said Department of Motion Pictures shall inspect or cause to be inspected, such plates, films, rolls, or other like apparatus, or the said picture or series of pictures, and shall, within five days find whether or not such pictures, or parts thereof, comes within the prohibitory provisions of Section Five of this ordinance, and what provisions, if any thereof, are violated. A written record shall be kept by the secretary of such findings, which record shall, at all times, be open to public inspection. In the event that two members of the said Department of Motion Pictures decide that such picture or series of pictures is in violation of the prohibitory provisions of Section Five, said department shall refuse to issue such permit. In case a permit is granted, it shall be in writing, and in such form

as said Department of Motion Pictures may prescribe. In the event of the refusal of a permit, the applicant shall be given a copy of the findings of said Department of Motion Pictures.

Said department shall inspect, or cause to be inspected all banners, signs, posters, or other like advertising matter to find whether or not the same comes within the prohibitory provisions of this ordinance, and what provisions, if any thereof, are violated. In case said banners, posters or other like advertising matter complies with the provisions of the ordinance, they shall be stamped with a label of the department, as provided in Section Three (3) and Seven (7) of this ordinance. No such banners, posters, or like advertising matter shall be exhibited unless the same is stamped by the Motion Picture Department, with a label of said department, as provided for in said Section Seven (7) of this ordinance.

Said department shall appoint an advisory committee of persons who will advise with the department from time to time in reference to the films that may be exhibited. This committee so appointed shall have no power or authority but act solely in an advisory capacity. Each member of said advisory committee shall serve without pay.

Each member of said Department of Motion Pictures shall receive an annual salary of five thousand dollars (\$5,000.00).

SEC. 5. No permit shall be granted for the showing of any picture or series of pictures that is immoral or obscene, sacrilegious, salacious, unpatriotic, or holds up to scorn or ridicule any nation or the people thereof, or portrays riotous, disorderly or other unlawful scenes, or has a tendency to disturb the public peace or debase the

public morals. Otherwise it shall be the duty of said department to issue such permit.

No banner, poster, sign or other like advertising matter that is immoral, improper, obscene, sacrilegious, or salacious shall be approved by the Department of Motion Pictures. All other banners, signs, posters or like advertising matter that are in compliance with this Ordinance shall be approved by such department.

SEC. 6. The Department of Motion Pictures shall have the power to recall for reexamination any films approved by them and it shall have the power by a majority vote of the members of the department to revoke any permit previously issued by them, for cause which would have justified a refusal of a permit.

SEC. 7. The permit herein provided for shall be obtained for each and every picture or series of pictures exhibited, and shall be required in addition to any license, or other imposition now required by law or ordinance.

The fee for the original permit in each case shall be three dollars (\$3.00) for each reel of one thousand (1,000) feet or less, and for each duplicate permit one dollar (\$1.00), which fee shall be paid to the city collector before the permits are issued.

Such permit shall be granted only after the motion picture film for which said permit is requested has been produced at the office of the Department of Motion Pictures, in the City Hall, for examination.

The pictures shall be classified by the department according to the nature of the subjects, into scenic, geographical, historical, classical, educational, propagandistic, patriotic, dramatic, melodramatic, comic, tragedy, farce, etc.

Upon the issuance of any permit for said films, or approval of any poster, sign or other advertising, there

shall be attached to each reel thereof, or poster or sign, a label, to be known as the "Chicago Label," bearing the following words:

"This picture (or poster) has been approved by the Chicago Department of Motion Pictures, and is.....(Classify Film)....."

SEC. 8. When a permit to show a picture or series of pictures is once granted, the picture or series of pictures may be shown by any exhibitor, except as herein prohibited; *Provided*, That the written permit is actually delivered to such exhibitor and that a written notice of the transfer or lease to such exhibitor is first duly mailed by the transferee or lessee to the Department of Motion Pictures. Any number of transfers or leases of the same picture or series of pictures may be made, provided always that the permit is actually delivered to the transferee or lessee and that such written notice be first mailed to the Department of Motion Pictures. Said written notice shall contain the name and a brief description of the picture or series of pictures, the number of the permit and the location of the building or place where the transferee or lessee proposes to exhibit such picture or series of pictures. The exhibition by any transferee of any permitted picture or series of pictures, without first mailing such notice, shall be considered a violation of this ordinance, and a separate offense shall be regarded as having been committed for each day's exhibition by a transferee or lessee of each picture or series of pictures, without the mailing of such notice.

SEC. 9. The written permit herein provided for shall be posted at or near the entrance to the theater, hall,

room or place where any permitted picture or series of pictures is being exhibited, at such a place and in such a position that it may easily and readily be read by any person entering such theater, hall, room or place at any time when any such permitted picture or series of pictures is being exhibited, whether in the daytime or in the nighttime. The exhibition of any such permitted picture or series of pictures without the posting of such permit as herein provided shall be considered a violation of this section, and a separate and distinct offense shall be regarded as having been committed for each day's exhibition of any such permitted picture or series of pictures without the posting of the permit as herein provided.

SEC. 10. It shall be unlawful for any person, firm or corporation to lease or transfer any motion picture plates, films, reels or other like apparatus from which a series of pictures for public exhibition can be produced, to any exhibitor of motion pictures who has been found guilty of a third offense for violation of any of the provisions of this ordinance in the exhibition of separate and distinct pictures.

SEC. 11. Any one violating any of the provisions of this ordinance shall be fined not less than fifty dollars nor more than one hundred dollars for each offense. A separate and distinct offense shall be regarded as having been committed for each day's exhibition of each picture or series of pictures without a permit.

SEC. 12. That Sections 1625, 1626, 1627, 1628, 1629, 1630, 1631 and 1632 of Article III, Chapter XLVI, of the Chicago Code of 1911, as amended, and an ordinance passed July 2, 1914, and appearing on pages 1365-1366 of the Journal of the proceedings of the City Council of that date, providing for the issuance of special permits

for the exhibition of moving pictures, be, and each of said sections are hereby repealed.

SEC. 13. This ordinance shall take effect and be in force from and after its passage and due publication.

*Ordinance of the City of Portland, Oregon,
of 1915*

AN ORDINANCE regulating the exhibition of motion pictures, providing a penalty for the violation thereof, and repealing all ordinances and parts of ordinances in conflict therewith.

The City of Portland does ordain as follows:

SECTION 1. The Board of Motion Picture Censors hereinafter called the Board, is hereby created and shall be composed of seven (7) members. The Commissioner of Public Safety shall appoint the members of the Board and he may at any time remove any member. The Board may appoint viewers to act under its authority and in its behalf. Members of the Board, except the secretary, as hereinafter provided, and viewers shall serve without pay.

SEC. 2. The Commissioner of Public Safety shall appoint a member of the Board to serve as secretary of the Board, who shall be paid a salary of not to exceed \$100 per month, and who shall perform such duties as the Board may direct.

SEC. 3. No person, firm or corporation shall exhibit, sell, rent or loan any motion picture unless the film shall have been approved in writing by a majority of the members of the Board.

SEC. 4. The Board may refuse to approve any film which:

(1) Shows anything of an obscene, indecent or immoral nature.

(2) Presents any gruesome, revolting or disgusting scene or subject.

(3) Portrays (in such manner as to offend public decency or morality) any murder, suicide, robbery, hold-up, stabbing, assaulting, clubbing or beating.

(4) Depicts any cruelty to human beings or animals.

(5) Exhibits methods of committing crime.

(6) Tends to disturb the public peace.

SEC. 5. The Board shall approve all films except those enumerated in Section 4 by a certificate of approval, the form of which shall be adopted by the Board, but approval may be made subject to such omissions or alterations as the Board may direct and require, and the Board may, by unanimous vote, withdraw its approval of any film for cause shown.

SEC. 6. The exhibitor of any film shall show to any police officer of the city of Portland upon request, the Board's certificate of approval of such film, and in case of failure to produce and show such certificate, the police officer may take charge of the film which shall be delivered to the Chief of Police and kept in his custody until acted upon by the Board.

SEC. 7. Ordinance No. 28375, entitled, "An Ordinance providing for the censoring of motion pictures," passed on January 9, 1914, is hereby repealed.

SEC. 8. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment.

The Law of Massachusetts

AN ACT relative to the Examination and Licensing of Motion Picture Films to be Publicly Exhibited and Displayed in this Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. For the purposes of this act, "department" shall mean the department of public safety; "commissioner," the commissioner of public safety; "person" shall include firms, associations and corporations.

SEC. 2. On and after January first, of the year nineteen hundred and twenty-two, it shall be unlawful for any person to exhibit or display publicly in the commonwealth of Massachusetts any motion picture film unless the said film has been submitted to and approved by the commissioner.

SEC. 3. The commissioner shall approve such films or parts thereof as are not obscene, indecent, immoral, inhuman or such as do not tend to debase or corrupt morals or incite to crime and may disapprove such films or parts thereof as are obscene, indecent, immoral, inhuman, or such as tend to debase or corrupt morals or incite to crime.

SEC. 4. In case any owner or lessee of a motion picture film, or the owner, manager or lessee of a motion picture establishment is aggrieved by or dissatisfied with a decision of the commissioner under the provisions of this act, the commissioner shall within ten days of a written request therefor hold a hearing thereon, which may, in the discretion of the commissioner, be public or private.

Within five days thereafter he shall affirm, modify or revoke such decision. In case the appellant is still aggrieved by the decision of the commissioner he may, within ten days after said decision, appeal to the superior court sitting in equity, by petition alleging that the action of the commissioner is unreasonable and not in conformity with law, and if said allegations are sustained, any justice of said court shall have power to revoke or modify such decision; otherwise the same shall be confirmed. Nothing herein contained shall be construed to deprive any person of the right to pursue any other lawful remedy.

SEC. 5. The commissioner may require that all films approved under the provisions of this act shall be appropriately stamped and designated, and that before and in connection with the public exhibition of the same there shall be shown upon the screen a statement of such approval in such form as the commissioner may prescribe.

SEC. 6. Subject to the approval of the governor and council, the commissioner shall make and enforce such rules and regulations as he may deem necessary to enforce the provisions of this act.

SEC. 7. A charge of two dollars shall be paid for the inspection of each reel of film or each duplicate reel of film not exceeding one thousand linear feet, and four dollars for each reel or duplicate exceeding one thousand linear feet. All money so received shall be paid into the treasury of the commonwealth.

SEC. 8. For the purpose of enforcing the provisions of this act the commissioner may appoint, and may at his discretion remove, a deputy director of moving picture censorship at an annual salary not to exceed thirty-five hundred dollars, whose appointment and removal

shall not be subject to the civil service laws and regulations but shall be subject to the approval of the governor and council, and may also appoint, in accordance with the provisions of section six of chapter twenty-two of the General Laws, a sufficient number of officers to the division of state police and of clerks and other assistants to carry out the provisions of this act.

SEC. 9. For the enforcement of the provisions of this act, all members of the department of public safety shall have authority to enter any premises where motion pictures are publicly exhibited.

SEC. 10. Any person violating any provision of this act or any rule or regulation adopted thereunder shall be punished by a fine not exceeding fifty dollars for the first offense and not exceeding one hundred dollars for each succeeding offense.

Missouri Bill of 1919

AN ACT relating to motion-picture films, reels, or stereopticon views or slides; providing a system of examination, approval, and regulation thereof, and of banners, posters, and other like advertising matter used in connection therewith; creating the Missouri State Board of Censors; and providing penalties for the violation of this act.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. That the word "film" used in this act means what is usually known as a motion-picture film. The word "view" used in this act means what is usually known as a stereopticon view or slide. The word "per-

son" includes an association, co-partnership, or a corporation.

SEC. 2. It shall be unlawful to sell, lease, lend, exhibit or use any motion-picture film, reel, or view, in this state, unless the said film, reel, or view has been submitted by the exchange, owner, or lessee of the film, reel, or view, and duly approved by the Missouri State Board of Censors by this act created and hereinafter in this act called the Board.

SEC. 3. The Board shall consist of three residents and citizens of Missouri, two males and one female, well qualified by education and experience to act as censors under this act. One male member of the Board shall be chairman, the female member shall be vice-chairman, and one male member shall be secretary. They shall be appointed by the Governor for terms of three years. Those first appointed under this act shall be appointed for three years, two years and one year, respectively; the respective terms to be designated by the Governor.

SEC. 4. A vacancy in the membership of the Board shall be filled for the unexpired term by the Governor. A vacancy shall not impair the right and duty of the remaining members to perform all the functions of the Board.

SEC. 5. The Board shall procure and use an official seal, which shall contain the words, "Missouri State Board of Censors" together with such design engraved thereon as the Board may prescribe.

SEC. 6. The Board shall examine or supervise the examinations of all films, reels, or views to be exhibited or used in Missouri; and shall approve such films, reels, or views which are moral and proper; and shall disapprove such as are sacrilegious, obscene, indecent, or im-

moral or such as tend, in the judgment of the Board to debase or corrupt morals.

SEC. 7. Upon each film, reel, or view which has been approved by the Board there shall be furnished and stamped by the Board the following certificate or statement:

"APPROVED BY MISSOURI STATE BOARD OF CENSORS"

and shall also furnish a certificate in writing, to the same effect, which certificate shall be exhibited to any member of the Board or employee thereof upon demand to the holder thereof. In the case of motion pictures, such statement shall be shown on the screen, to the extent of approximately four feet of film. In the case of slides or views, each set shall have at least two slides or views shown with a similar statement.

SEC. 8. The Board shall keep a record of all examinations made by it of films, reels, or views; noting on the record all films, reels, or views which have been approved, and those which have not been approved, with the reason for such disapproval.

SEC. 9. The Board shall report, in writing, annually, to the Governor, on or after the first day of November of each year. The report shall show:

1. A record of its meetings, and a summary of its proceedings during the year immediately preceding the date of the report.

2. The results of all examinations of films, reels, or views.

3. A detailed statement of all prosecutions for violations of this act.

4. A detailed and itemized statement of all expenditures made by or on behalf of the Board.

5. Such other information as the Board may deem necessary or useful in explanation of the operations of the Board.

6. Such other information as shall be requested by the Governor.

SEC. 10. The chairman, vice-chairman and secretary shall, before assuming the duties of their respective offices, take and subscribe the oath prescribed by the Constitution of Missouri, and shall enter into bonds to the state in the sum of three thousand dollars, two thousand five hundred dollars and two thousand four hundred dollars, respectively, conditioned for the faithful performance of their duties.

SEC. 11. The chairman shall receive an annual salary of three thousand dollars; the vice-chairman, an annual salary of two thousand five hundred dollars; and the secretary an annual salary of two thousand four hundred dollars. The salaries shall be payable monthly. Each member and employee of the Board shall be allowed all expenses, of whatsoever nature, actually and necessarily incurred by him or her in carrying out the purposes of this act.

SEC. 12. The chairman shall appoint, with approval of the Governor not more than the following employees; one chief clerk at a salary of eighteen hundred dollars; two stenographers and typewriters, at salaries of one thousand dollars each; two inspectors at salaries of fifteen hundred dollars each; one operator, who shall be an electrician, at a salary of fourteen hundred dollars; one operator, at a salary of twelve hundred dollars; one assistant operator or patcher, at a salary of seven hundred and twenty dollars; one assistant operator or patcher, at a salary of six hundred dollars. The salaries provided

for above shall be annual, and payable monthly. In addition to the employees enumerated above, the entire Board acting unanimously, may, with the approval of the Governor, appoint such additional employees as the work of the Board may necessarily require. The salaries of the such additional employees shall not exceed, in the aggregate, the sum of five thousand dollars annually.

SEC. 13. The commissioners of permanent seat of government shall provide adequate offices for the Board in Jefferson City and in such other cities of the State as the Board may require in carrying out the intent and provisions of this act. Adequate projecting or inspecting rooms shall be provided in St. Louis, and maintained by the Board.

SEC. 14. Upon requisition of the Board, the Secretary of State shall furnish to the Board all furniture, books, stationery, supplies, machines, and paraphernalia necessary in the work of the Board.

SEC. 15. The printing and binding necessary for the proper performance of the duties of the Board or the proper preservation of the records of the Board, including the printing of two thousand copies of the annual report and the binding thereof, shall be done by the state printer, upon the requisition of the Board.

SEC. 16. For the examination of each film, reel, or set of views of one thousand two hundred lineal feet, or less, the Board shall receive, in advance a fee of one dollar, and one dollar for each duplicate or print thereof, which must be applied for at the same time and by the same person.

SEC. 17. All fees received by the Board and all fines imposed for violation of this act shall be, by the Board, paid into the state treasury.

SEC. 18. Any member or employee of the Board may enter any place where films, reels, or views are exhibited; and such member or employee is hereby empowered and authorized to prevent the display or exhibition of any film, reel or view which has not been duly approved by the Board.

SEC. 19. The Board shall examine or supervise the examination of all banners, posters or other like advertising matter of all films, reels or views, to be exhibited or used in Missouri, and shall approve such banners, posters or other like advertising matter which are moral and proper and shall disapprove such as are sacrilegious, obscene, indecent, or immoral, or such as tend in the judgment of the Board to debase or corrupt morals; and upon such banner, poster or other like advertising matter which has been approved by the Board, there shall be stamped or affixed the following certificate or statement: "Approved by Missouri State Board of Censors," and no charge shall be made for the examination of such banners, posters or other like advertising matter of such films, reels or views; and every member and employee of the Board is hereby empowered and authorized to prevent the display or exhibition of any such banner, poster or other like advertising matter of such films, reel or views which banner, poster or other like advertising matter has not been duly approved by the Board.

SEC. 20. This act shall be enforced by the Board. In carrying out and enforcing the purposes of this act, it may adopt such reasonable rules as it may deem necessary. Such rules shall not be inconsistent with the laws of the State of Missouri.

SEC. 21. All disbursements of such nature as to make it impracticable for the Board to file, with the auditor,

itemized receipts or vouchers prior to the advance by the accounting officers of funds sufficient to meet such expenses, shall be paid out of money specifically appropriated for that purpose.

SEC. 22. Every person intending to sell, lease, exhibit, or use any film, reel or view in Missouri, shall furnish the Board when the application for approval is made, a description of the film, reel, or view to be exhibited, sold, or leased, and the purpose thereof; and shall submit the film, reel or view to the Board for examination; and shall also furnish a statement or affidavit that the duplicate film, reel, or view is an exact copy of the original film, reel, or view, as submitted for examination to the Board; and that all eliminations, changes, or rejections made or required by the Board in the original film, reel, or view, have been or will be made in the duplicate.

SEC. 23. It shall be unlawful for any person to hinder or interfere in any manner with any member or employee of the Board while performing any duties in carrying out the intent or provisions of this act.

SEC. 24. If any elimination or disapproval of a film, reel, or view is ordered by the Board, the person submitting such film, reel, or view for examination shall receive immediate notice of such elimination or disapproval, and, if appealed from, such film, reel, or view shall be promptly reexamined, in the presence of such person, by two or more members of the Board, and the same finally approved or disapproved promptly after such reexamination, with the right of appeal from the decision of the Board to the circuit court of the proper county.

SEC. 25. If any elimination or disapproval of any banner, poster or other like advertising matter of any film, reel, or views to be exhibited or used in Missouri is

ordered by the Board, the person submitting such banner, poster or other like advertising matter of such film, reel or views, shall receive immediate notice of such elimination or disapproval, and, if appealed from, such banner, poster, or other like advertising matter of such film, reel or views shall be promptly reëxamined, in the presence of such person by two or more members of the Board, and the same finally approved or disapproved promptly after such reëxamination, with the right of appeal from the decision of the Board to the circuit court of the proper county.

SEC. 26. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding three hundred dollars (\$300.00), or be imprisoned in the county jail of the county where such offense was committed, not to exceed sixty days, or both fined and imprisoned at the discretion of the court.

SEC. 27. If any person shall fail to display or exhibit on the screen the approval seal or certificate as issued by the Board, of a film, reel, or view which has been approved, he shall be guilty of a misdemeanor and shall be fined in any sum not exceeding fifty dollars; or be imprisoned not to exceed thirty days in the county jail of the county where such offense was committed, or both.

*The Law of 1912 and its Amendments, Creating
the Board of Censors of Moving Pictures
in the Province of Quebec*

I. It shall be lawful for the Lieutenant-Governor in Council to appoint a commission to be called the Board

of Censors of Moving Pictures, consisting of three commissioners and of a secretary, all of whom shall hold office during pleasure.

II. The said commission shall sit and have its office in the city of Montreal, at such place as shall from time to time be appointed by the Lieutenant-Governor in Council.

III. One of the commissioners shall be appointed president of the commission and another acting president thereof.

IV. In case of the absence of the president from any meeting of the commission, or of his inability to act, the acting president shall preside thereat, and shall exercise all the powers of the president. Whenever the acting president appears to have acted for, or instead of the president it shall be presumed that he so acted in the absence, or owing to the disability of the president.

V. Two commissioners shall form a quorum, but if, in any case, they cannot agree upon a decision, the matter shall be referred to the full commission. No vacancy in the commission shall prevent the remaining commissioners from acting.

VI. No member of the commission shall hold any office, or carry on any employment inconsistent with the performance of his duties, nor shall he directly or indirectly—

(a) Have any interest in any business or undertaking, having for its object the exhibition of moving pictures by means of cinematographs, moving picture machines, or other similar means;

(b) Hold, acquire, or be interested in any stock or share, or any bond, debenture, or other security, or evidence of indebtedness, issued by any person, partnership,

company or corporation, carrying on or interested in such business;

(c) Have any interest in any device, appliance, machine, patented process or article, or in any part thereof, which may be used for the purposes of such business, and which would not be useful for the purposes of any other business.

If any such thing, or any interest therein, is the property of any such commissioner or secretary, when he is appointed to his office, or if, thereafter, and while he holds such office, he acquires the same by succession or by will, he shall, within six months after such appointment or subsequent acquisition, as the case may be, alienate the same, or his interest therein.

VII. In the absence of the secretary the commission may replace him temporarily.

VIII. (1) It shall be the duty of the secretary:

(a) To attend all sessions of the commission;

(b) To keep a record of all proceedings conducted before the commission under this sub-section;

(c) To have the custody and care of all records and documents by the commission;

(d) To obey all rules and directions which may be made or given by the commission touching his duties or office;

(e) To have every order and rule of the commission drawn pursuant to the direction of the commission, signed by the president, sealed with the official seal of the commission, and filed in the office of the secretary.

(2) The secretary shall keep suitable books of record in which he shall enter a true copy of every such order and rule, and every other document which the commission shall order to be entered therein, and such entry shall

constitute and be the original record of any such order or rule.

(3) Upon application of any person and on payment of such fees, as the Lieutenant-Governor in Council may prescribe, the secretary shall deliver to such applicant a certified copy of any such order, rule or other document.

IX. The commissioners and secretary shall receive such yearly remuneration as is fixed by the Lieutenant-Governor in Council but not exceeding—

For the president.....	\$1,600.00
For a commissioner.....	1,200.00
For the secretary.....	600.00

The above remuneration and all the expenses incurred by the commission in the performance of its duties, and all other expenses incurred in the carrying out of this sub-section, shall be paid monthly out of the consolidated revenue fund of the Province.

The Lieutenant-Governor in Council may appoint, at an annual salary of not more than fifteen hundred dollars, an inspector of moving picture halls. Such officer shall be under the control of the Board of Censors of Moving Pictures, and his duties shall be from time to time defined by the Lieutenant-Governor in Council.

The salary and travelling expenses of the inspector shall be paid according to the provisions of this article.

X. It shall be the duty of the commission to examine any films or other like devices, which it is proposed to use in the Province for the purposes of exhibitions of moving pictures by means of a cinematograph, moving picture machine or other like means, and, after hearing the applicant, to permit or refuse to permit the same to be used therein.

When the commission sits without all the members thereof being present, and refuses authority to use a film or device, the party interested in obtaining the approval of such film or device may appeal from such decision to the full commission.

This appeal is made by means of a registered letter addressed to the chairman of the commission. At the time fixed by the chairman it shall be the duty of the full commission to again examine the film or device, and to decide finally as to the acceptance or the refusal thereof.

Before the full commission may consider the appeal thus taken in regard to a film or device, the person taking such appeal must produce a receipt, showing that he has paid to the collector of provincial revenue for the district of Montreal on each film or device, as defined by the regulations, an additional fee of one dollar, over and above the fee already paid for the first examination.

XI. Whenever the commission permits any such film or device to be used it shall cause to be stamped thereon in such manner that the words stamped shall be visible on the canvas, or other surface on which the picture on such film or device is cast, words signifying that the use of such film or device has been permitted by the commission, such words to be followed by a fac simile of the signature of the president or acting president, as the case may be, and of the secretary.

In respect of films dealing particularly with patriotic, instructive or humorous subjects, which in the opinion of the commission may be shown to children, the authorization, printed as aforesaid on such films, must also mention that such films may be shown to children, and the provision of the second paragraph of article 3713a shall apply to exhibitions of moving pictures during which no films

other than those authorized for children are exhibited. [Children under sixteen visiting picture halls must usually be accompanied by their elders. Here an exception is made for special children's programs having the approval of the Board of Censors.]

XII. Before the commission may examine any film or device submitted to it for approval, the person presenting such film or device must produce a receipt, showing that he has paid to the collector of provincial revenue for the district of Montreal, for each film or device, as defined in the rules, a fee of three dollars, in the case of a film exchange, or a fee of twenty-five dollars, in the case of any other person.

XIII. Every person making use of any film or device in the Province for exhibition purposes, before the use thereof is permitted by the commission, as aforesaid, or before the same is stamped, as aforesaid, or before the payment of the fee, as aforesaid, or who, after having advertised an exhibition of moving pictures at which children less than sixteen years old may be admitted alone, exhibits thereat any picture other than those stamped by the commission, as authorized to be exhibited to such children, as aforesaid, every proprietor and lessee thereof, and every person, aiding or assisting in such use thereof, shall be liable to the penalty prescribed by article 3713c [which prescribes for the first offense a fine of not more than fifty dollars, or in default of payment, imprisonment of not more than one month; for any subsequent offense a fine of one hundred dollars and in default of payment imprisonment for not more than two months].

The film or device so used contrary to law shall be confiscated by any member of the provincial police, or of a municipal police force, or by any person delegated by

a municipal council or by the inspector, and shall be produced before the court.

When sentence is pronounced, condemning the offender, the judge shall maintain the confiscation, and the clerk of the court shall send the film or device so confiscated to the board in order that the latter may summarily destroy it, if necessary.

XIV. Any member of the Board of Censors, of the provincial police, or any member of a municipal police force, designated by the chief of police, or any person delegated by a municipal council, or the inspector, may at any time enter any building or place, where any such films or devices are kept for use, and may examine the same in order to ascertain whether they have been stamped, as aforesaid, or whether such films or devices have, after being examined by the commission, been altered in a manner not approved by the commission, and any person hindering a police officer, or person delegated by the council, or the inspector in the performance of such duty shall be liable to the penalty prescribed by Article 3713c [as above].

Every person who, with the intention of using the same alters in a manner not approved by the commission, any film or device approved by the commission, or removes any part of such film or device, before submitting the same to the commission, shall be liable to a fine of not less than five hundred dollars for each offense, and, in default of payment of such fine and costs, to imprisonment for three months.

XV. The provisions of Article 3713d [covering cases included in the Criminal Code] shall apply to prosecutions for penalties taken in virtue of this sub-section.

XVI. The commission shall within sixty days, after

the appointment of its members, prepare rules regulating its procedure and the times of its sittings in so far as not inconsistent with this sub-section, and forward the same to the Provincial Secretary. Such rules shall come into force, after having been approved by the Lieutenant-Governor in Council and published in the Quebec Official Gazette.

XVII. It shall be lawful for the Lieutenant-Governor in Council to make such rules not inconsistent with this sub-section, as he may think necessary for carrying out the same.

The enforcement of this sub-section, and the control of the operations carried on thereunder are entrusted to the Provincial Treasurer.

XVIII. Every film, or part of a film, not claimed within sixty days of the date of the deposit thereof with the commission may be destroyed by the said commission.

*The Resolution of Senator Myers of Montana,
Submitted to the United States Senate,
August 2, 1921, and Referred to the
Committee on the Judiciary*

Whereas, motion picture interests, by their own announcement "have entered politics to become a factor in the election of every candidate from alderman to President, from assemblyman to United States Senator," the test for candidates being whether or not they pledge themselves to governmental action favoring this one business or their devotion to public interests; and

Whereas, the president of the National Association of

the Motion Picture Industry, which claims to control 95 per cent. of all the films of the country, having \$25,000,000 invested, announced to the Chicago motion picture industry (as printed in its report of September, 1920) that this industry proposed to use the wonderful power in its hands and go into politics; and

Whereas, the ninth annual convention of the Exhibitors' League of Pennsylvania, South New Jersey and Delaware in August, 1920, voted to use its publicity power against all state legislators and Congressional candidates who may refuse to pledge themselves to support legislation favorable to their business, and for the removal of boards of censors whose decisions had been too drastic; and

Whereas, at the Atlantic City convention of the Motion Picture Theatre Owners of America, July 7, 1921, it is reported that Marcus Loew and Adolph Zukor, two of the most influential men in the industry, pledged all the screens under their control henceforth to enter politics; and

Whereas, it is reported the motion picture interests have already engaged a representative to direct a political campaign in New York before the primary and election next fall to secure the repeal of the New York motion picture law, by promising the use of publicity power of the screens of the state to elect all who agree to vote for its repeal and to defeat all candidates who refuse to promise so to do; and

Whereas, at a hearing before Governor Miller of New York, April 26, 1921, the representatives of the National Association of the Motion Picture Industry, in an effort to prove that no state legislative action was necessary to clean up the pictures in that state, claimed that abso-

lute and unlimited power over the whole business was in the hands of four or five men; and

Whereas, it is reported that Jacob W. Binder, who was in the employ of what is now called the National Board of Review, at a meeting of the National Exhibitors' League, said, July 15, 1915, in San Francisco: "It was through money provided by manufacturers that I, as a representative of the National Board, was sent into thirteen states to combat bills for legalized censorship; and

Whereas, the president of the National Association of the Motion Picture Industry in a speech to a committee of the State Senate of New Jersey, March 21, 1921, is reported to have said: "You can't control this business but I can; I am president of the Producers' Association and with two or three other men I control every foot of film shown in the United States; what we say goes"; and

Whereas, seven states, namely Ohio, Pennsylvania, Kansas, Maryland, New York, Massachusetts and Florida have enacted either censorship or regulatory laws, three of them in 1921, and the legislature of another state (Nevada) enacted a censorship law which was vetoed by the Governor, such legislative action showing widespread discontent because of the undesirable influence of the films shown in recent years; and

Whereas, the Committee on Education of the United States House of Representatives of the Sixty-fourth and Sixty-fifth Congresses held prolonged investigations of motion pictures, and each time reported favorably a bill for Federal control of films in interstate commerce; and

Whereas, three other investigations, namely those of the New York legislature in 1917, the British inquiry in the same year and two years of investigation by the

Chicago city government, published in 1920, have each resulted in a declaration that motion pictures need more efficient and careful moral control; and

Whereas, it is said to be a fact that no producer in America has ever been punished by a jail sentence for producing an immoral picture, and nine-tenths of all the pictures shown in the world are of American production; and

Whereas, there is danger that the motion picture interests, with an uncontrolled publicity business and political power may become a serious menace to free elections; therefore be it

Resolved, that the Judiciary Committee of the Senate, or a sub-committee thereof, be empowered and directed to conduct, with the assistance of the Department of Justice and the Department of Commerce, an investigation into the political activities of the motion picture industry, in all its branches throughout the United States, together with such other of its activities as might involve violation of the anti-trust or other laws, or improper relations with state boards of censorship; also be it

Resolved, that the Judiciary Committee, or a sub-committee thereof, conducting such investigation be empowered to subpoena witnesses for such investigation and to compel the production of books and papers, and to employ a stenographer, and print the proceedings of such investigation, and that the expense thereof be allowed and paid out of the contingent fund of the Senate; be it further

Resolved, that the Judiciary Committee is directed to recommend such remedial action and legislation in the premises, as it may deem wise for the Federal government to undertake.

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